

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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In re:

Chapter 11

EAST BROADWAY MALL,

Case No. 19-12280 (DSJ)

Debtor.

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**ORDER<sup>1</sup> APPROVING (I) THE ADEQUACY OF THE FOURTH AMENDED  
DISCLOSURE STATEMENT FOR FOURTH AMENDED PLAN OF LIQUIDATION;  
(II) SOLICITATION OF VOTES TO ACCEPT OR REJECT PLAN OF LIQUIDATION  
AND NOTICE PROCEDURES; (III) FORMS OF BALLOTS AND NOTICES IN  
CONNECTION THEREWITH; AND (IV) CERTAIN DATES WITH RESPECT  
THERE TO**

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Upon the Motion of Bank of Hope (the “**Bank**”) for entry of an order pursuant to sections 105, 1121, 1125, 1126, 1128, and 1129 of the Bankruptcy Code, Bankruptcy Rules 2002, 3016, 3017, 3018, and 3020, and Local Rules 3017-1, 3018-1, and 3020-1 approving: (a) the Third Amended Disclosure Statement for the Third Amended Chapter 11 Plan of the Bank; (b) the Disclosure Statement Hearing Notice; (c) the Voting Record Date, Solicitation Launch Date, and Voting Deadline; (d) the manner and form of the Solicitation Packages and the materials contained therein; (e) the Plan Supplement Notice; (f) the Non-Voting Status Notices; (g) the form of notices to counterparties to Executory Contracts and Unexpired Leases that will be assumed or rejected pursuant to the Plan; (h) the Solicitation and Voting Procedures; (i) the Plan Confirmation Hearing Notice; and (j) the dates and deadlines related thereto, all as more fully described in the Motion; and this Court having jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; this Court having found that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and that this Court may enter a final order consistent with Article III of the United States Constitution; and this

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<sup>1</sup> Capitalized terms used but not otherwise defined herein shall have the meanings set forth in the Motion.

Court having found that venue of this proceeding and the Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and upon the Objection of the United States Trustee to the Motion (ECF No. 168) (the “**Objection**”); and upon Bank of Hope’s proposed revisions to the Third Amended Disclosure Statement and Third Amended Plan (ECF No. 175); and upon Bank of Hope’s subsequently modified versions of the documents, namely the Fourth Amended Disclosure Statement (the “**Disclosure Statement**”) and the Fourth Amended Plan (the “**Plan**”) filed on July 5, 2023 (ECF. No. 186); and this Court having found that the relief requested in the Motion is in the best interests of the Debtor, the Estate, the creditors, and other parties in interest; and this Court having found that the Bank’s notice of the Motion and opportunity for a hearing on the Motion were appropriate under the circumstances and no other notice need be provided; and this Court having reviewed the Motion, Disclosure Statement, and Plan, and having heard the statements in support of the relief requested therein and the Objection thereto at hearings before this Court (the “**Hearing**”); and this Court having **issued an oral ruling on the Motion during the Hearing on July 6, 2023, which oral ruling is incorporated herein by reference, and having** determined that the legal and factual bases set forth in the Motion and at the Hearing establish just cause for the relief granted herein; and upon all of the proceedings had before this Court; and after due deliberation and sufficient cause appearing therefor, it is **HEREBY ORDERED THAT:** [DSJ 7/6/2023]

1. The Objection is resolved as stated on the record and the Motion is granted as provided herein.

**I. Approval of the Disclosure Statement.**

2. The Disclosure Statement is hereby approved as providing Holders of Claims entitled to vote on the Plan with adequate information to make an informed decision as to whether to vote to accept or reject the Plan in accordance with section 1125(a)(1) of the Bankruptcy Code.

## **II. Approval of the Disclosure Statement Hearing Notice.**

3. The Disclosure Statement Hearing Notice, filed by the Bank and served upon parties in interest in the Chapter 11 Case, constitutes adequate and sufficient notice of the hearing to consider approval of the Disclosure Statement, the manner in which a copy of the Disclosure Statement (and exhibits thereto, including the Plan) could be obtained, and the time fixed for filing objections thereto, in satisfaction of the requirements of the applicable provisions of the Bankruptcy Code, the Bankruptcy Rules, and the Local Rules.

## **III. Approval of the Materials and Timeline for Soliciting Votes.**

### **A. Approval of Key Dates and Deadlines with Respect to the Plan and Disclosure Statement.**

4. The following dates are hereby established (subject to modification as necessary) with respect to the solicitation of votes to accept, and voting on, the Plan:

- a. **May 30, 2023** as the date for determining (i) which Holders of Claims in the Voting Classes are entitled to vote to accept or reject the Plan and receive Solicitation Packages in connection therewith and (ii) whether Claims have been properly assigned or transferred to an assignee pursuant to Bankruptcy Rule 3001(e) such that the assignee can vote as the Holder of the respective Claim (the “**Voting Record Date**”);
- b. the Bank shall distribute Solicitation Packages to Holders of Claims entitled to vote on the Plan by **July 13, 2023** (the “**Solicitation Launch Date**”); and
- c. all Holders of Allowed Claims entitled to vote on the Plan must complete, execute, and return their Ballots so that they are actually received by the Voting and Claims Agent pursuant to the Solicitation and Voting Procedures, on or before **August 18, 2023, at 4:00 p.m.** prevailing Eastern Time (the “**Voting Deadline**”).

### **B. Approval of the Form of, and Distribution of, Solicitation Packages to Parties Entitled to Vote on the Plan.**

5. In addition to the Disclosure Statement and exhibits thereto, the Solicitation Packages to be transmitted on the Solicitation Launch Date to those Holders of Claims in the

Voting Classes entitled to vote on the Plan as of the Voting Record Date, shall include the following, the form of each of which is hereby approved:

- a. an appropriate form of Ballots attached hereto as **Exhibits 2a, 2b, and 2c**, respectively;
- b. the Cover Letter attached hereto as Exhibit 6; and
- c. the Plan Confirmation Hearing Notice attached hereto as Exhibit 7.

6. The Solicitation Packages provide the Holders of Allowed Claims or Allowed Interests entitled to vote on the Plan with adequate information to make informed decisions with respect to voting on the Plan in accordance with Bankruptcy Rules 2002(b) and 3017(d), the Bankruptcy Code, and the Local Rules.

7. The Bank shall distribute Solicitation Packages to all Holders of Allowed Claims or Allowed Interests entitled to vote on the Plan on the Solicitation Launch Date. Such service shall satisfy the requirements of the Bankruptcy Code, the Bankruptcy Rules, and the Local Rules.

8. The Bank is authorized, but not directed or required, to distribute the Plan, the Disclosure Statement, and this order to Holders of Claims entitled to vote on the Plan in electronic format. Only the Ballots as well as the Cover Letter and the Plan Confirmation Hearing Notice will be provided in paper form. On the Solicitation Launch Date, the Bank (through their Voting and Claims Agent) shall provide complete Solicitation Packages (other than Ballots) to the U.S. Trustee and to all parties on the 2002 List as of the Voting Record Date.

9. Any party that receives the materials in electronic format but would prefer to receive materials in paper format, may contact the Voting and Claims Agent and request paper copies of the corresponding materials previously received in electronic format (to be provided at the Estate's expense).

10. The Voting and Claims Agent is authorized to assist the Bank in: (a) distributing the Solicitation Package; (b) receiving, tabulating, and reporting on Ballots cast to accept or reject the Plan by Holders of Claims against the Bank; (c) responding to inquiries from Holders of Claims or Interests and other parties in interest relating to the Disclosure Statement, the Plan, the Ballots, the Solicitation Packages, and all other related documents and matters related thereto, including the procedures and requirements for voting to accept or reject the Plan and for objecting to the Plan; (d) soliciting votes on the Plan; and (e) if necessary, contacting creditors regarding the Plan.

11. The Voting and Claims Agent is also authorized to accept Ballots via electronic transmission. Ballots submitted via electronic means shall be deemed to contain an original signature.

**C. Approval of the Plan Confirmation Hearing Notice.**

12. The Plan Confirmation Hearing Notice, in the form attached hereto as Exhibit 7 filed by the Bank and served upon parties in interest in the Chapter 11 case on the Solicitation Launch Date constitutes adequate and sufficient notice of the hearing to consider approval of the Plan, the manner in which a copy of the Plan could be obtained, and the time fixed for filing objections thereto, in satisfaction of the requirements of the applicable provisions of the Bankruptcy Code, the Bankruptcy Rules, and the Local Rules. The Bank shall serve the Plan Confirmation Hearing Notice on or before **July 13, 2023**.

**D. Approval of Notice of Filing of the Plan Supplement.**

13. The Bank is authorized to send notice of the filing of the Plan Supplement, which will be filed and served at least five days prior to the Plan Objection Deadline, substantially in the form attached hereto as Exhibit 8, on the date the Plan Supplement is filed or as soon as reasonably practicable thereafter.

**E. Approval of the Form of Notices to Non-Voting Classes.**

14. Except to the extent the Bank determines otherwise, the Bank is not required to provide Solicitation Packages to Holders of Claims or Interests in Non-Voting Classes, as such Holders are not entitled to vote on the Plan. Instead, on the Solicitation Launch Date, the Voting and Claims Agent shall mail (first-class postage pre-paid) a Non-Voting Status Notice in lieu of Solicitation Packages, the form of each of which is hereby approved, to those parties, outlined below, who are not entitled to vote on the Plan:

- a. Unimpaired Claims—Conclusively Presumed to Accept. Holders of Claims in Class 2 are not impaired under the Plan and, therefore, are conclusively presumed to have accepted the Plan. As such, Holders of such Claims will receive a notice, substantially in the form attached to this Order as Exhibit 3, in lieu of a Solicitation Package.
- b. Other Interests and Claims—Deemed to Reject. Holders of Claims or Interests in Class 5 are receiving no distribution under the Plan and, therefore, are deemed to reject the Plan and will receive a notice, substantially in the form attached to this Order as Exhibit 4, in lieu of a Solicitation Package.
- c. Disputed Claims. Absent a Resolution Event (as defined in Exhibit 1), Holders of Claims that are subject to a pending objection by the Bank filed on or before the Solicitation Launch Date are not entitled to vote the disputed portion of their claim. As such, Holders of such Claims will receive a notice, substantially in the form attached to this Order as Exhibit 5.

15. The Bank is not required to mail Solicitation Packages or other solicitation materials to: (a) Holders of Claims that have already been paid in full during the Chapter 11 Case or that are authorized to be paid in full in the ordinary course of business pursuant to an order previously entered by this Court; or (b) any party to whom the Disclosure Statement Hearing Notice was sent but was subsequently returned as undeliverable.

**F. Approval of Notices to Contract and Lease Counterparties.**

16. The Bank is authorized to mail a notice of assumption or rejection of any Executory Contracts or Unexpired Leases (and any corresponding cure claims), in the forms attached hereto as **Exhibit 9** and **Exhibit 10** to the applicable counterparties to Executory Contracts and Unexpired Leases that will be assumed or rejected pursuant to the Plan (as the case may be), within the time periods specified in the Plan.

**IV. Approval of the Solicitation and Voting Procedures.**

17. The Bank is authorized to solicit, receive, and tabulate votes to accept the Plan in accordance with the Solicitation and Voting Procedures attached hereto as Exhibit 1, which are hereby approved in their entirety.

**V. Approval of Procedures for Confirming the Plan.**

**A. Approval of the Timeline for Filing Objections to the Plan and Confirming the Plan.**

18. The following dates are hereby established (subject to modification as needed) with respect to filing objections to the Plan and confirming the Plan:

- a. **August 18, 2023**, shall be date by which objections to the Plan must be filed with the Court and served so as to be actually received by the appropriate notice parties.
- b. notwithstanding anything to the contrary in Local rule 3018-1(a), **August 23, 2023 at 4:00 p.m.** shall be the date by which the voting certification must be filed with the Court; and
- c. the Court shall consider Confirmation of the Plan at the hearing to be held on **September 12, 2023, at 10:00 a.m.**

**B. Approval of the Procedures for Filing Objections to the Plan.**

19. Objections to the Plan will not be considered by the Court unless such objections are timely filed and properly served in accordance with this Order. Specifically, all objections to confirmation of the Plan or requests for modifications to the Plan, if any, must: (a) be in writing; (b) conform to the Bankruptcy Rules and the Local Rules; (c) state, with particularity, the legal

and factual basis for the objection and, if practicable, a proposed modification to the Plan (or related materials) that would resolve such objection; and (d) be filed with the Court (contemporaneously with a proof of service) and served upon the notice parties so as to be actually received on or before **August 18, 2023**, by each of the notice parties identified in the Plan Confirmation Hearing Notice.

**C. Approval of Consequences of Not Confirming or Consummating the Plan.**

20. If the Plan is not Consummated or Confirmed for any reason, (a) the Plan shall be null and void in all respects other than as set forth therein, (b) the Plan shall serve as a motion seeking dismissal of the Chapter 11 case in accordance with the Bankruptcy Code, and (c) nothing contained in the Plan or the Disclosure Statement shall: (1) constitute a waiver or release of any Claims by the Bank, any Holders, or any other Entity; (2) prejudice in any manner the rights of the Bank, any Holders, or any other Entity; or (3) constitute an admission, acknowledgment, offer or undertaking by the Bank, any Holders, or any other Entity in any respect.

**VI. Miscellaneous.**

21. The Bank reserves the right to modify the Plan in accordance with Article X thereof, including the right to withdraw the Plan at any time before the Plan Confirmation Date.

22. Nothing in this order shall be construed as a waiver of the right of the Bank or any other party in interest, as applicable, to object to a proof of claim after the Voting Record Date.

23. All time periods set forth in this order shall be calculated in accordance with Bankruptcy Rule 9006(a).

24. The contents of the Motion satisfy the requirements of Bankruptcy Rule 6003(b).

25. Notice of the Motion satisfies the requirements of Bankruptcy Rule 6004(a).



26. The Bank is authorized to take all actions necessary to effectuate the relief granted pursuant to this order in accordance with the Motion.

27. The Court retains jurisdiction with respect to all matters arising from or related to the interpretation or implementation of this order.

Dated: New York, New York  
July 6, 2023

*s/ David S. Jones*  
Honorable David S. Jones  
United States Bankruptcy Judge

**EXHIBIT 1**

**SOLICITATION AND VOTING PROCEDURES**

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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In re:

Chapter 11

EAST BROADWAY MALL,

Case No. 19-12280 -DSJ

Debtor.

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**SOLICITATION AND VOTING PROCEDURES**

**PLEASE TAKE NOTICE THAT** on July 6, 2023, the United States Bankruptcy Court for the Southern District of New York (the “**Court**”) entered an order (the “**Disclosure Statement Order**”), (a) authorizing Bank of Hope f/k/a BBCN Bank (“**Bank of Hope**” or “**Bank**”), secured creditor for the chapter 11 estate (the “**Estate**”) of the above-captioned debtor, East Broadway Mall (“**Debtor**” or “**EBM**”) to solicit acceptances for the *Chapter 11 Plan of Liquidation* (as may be modified, amended, or supplemented from time to time, the “**Plan**”);<sup>1</sup> (b) approving the *Disclosure Statement for the Chapter 11 Plan of Liquidation* (the “**Disclosure Statement**”) as containing “adequate information” pursuant to section 1125 of the Bankruptcy Code; (c) approving the solicitation materials and documents to be included in the solicitation packages (the “**Solicitation Packages**”); and (d) approving procedures for soliciting, receiving, and tabulating votes on the Plan and for filing objections to the Plan.

**A. The Voting Record Date.**

The Court has approved **May 30, 2023** as the record date for purposes of determining which Holders of Claims in Classes 4A, 4B, and 4C are entitled to vote on the Plan (the “**Voting Record Date**”).

**B. The Voting Deadline.**

The Court has approved **August 18, 2023 at 4:00 p.m.** prevailing Eastern Time as the voting deadline (the “**Voting Deadline**”) for the Plan. The Bank may extend the Voting Deadline, in their discretion, without further order of the Court. To be counted as votes to accept or reject the Plan, all ballots sent to registered Holders of Claims (each, a “**Ballot**”) must be properly executed, completed, and returned in the pre-paid, pre-addressed return envelope included in the Solicitation Package or delivered by: (1) first class mail; (2) overnight courier; (3) personal delivery; or (4) electronic mail, so that they are **actually received**, in any case, no later than the Voting Deadline by the Bank (the “**Voting and Claims Agent**”).<sup>2</sup> All Ballots should be sent to: (1) if by mail, Windels Marx Lane & Mittendorf, LLP Re: East Broadway Mall, 156 West 56<sup>th</sup>

<sup>1</sup> Capitalized terms not otherwise defined herein shall have the same meanings set forth in the Disclosure Statement.

<sup>2</sup> For any Ballot cast via electronic mail, the format of the attachment must be found in the common workplace and industry standard format (i.e., industry-standard PDF file) and the received date and time in the Voting and Claims Agent’s inbox will be used as the timestamp for receipt.

Street, New York, NY 10019 (2) if by hand delivery or overnight courier, Windels Marx Lane & Mittendorf, LLP Re: East Broadway Mall, 156 West 56<sup>th</sup> Street, New York, NY 10019; or (3) if via electronic mail, JSullivan@Windelsmarx.com. Delivery of a Ballot to the Voting and Claims Agent by facsimile shall not be valid.

**C. Form, Content, and Manner of Notices.**

**1. The Solicitation Package.**

The following materials shall constitute the solicitation package (the “**Solicitation Package**”):

- a. a copy of these Solicitation and Voting Procedures;
- b. the *Notice of Hearing to Consider Confirmation of the Chapter 11 Plan Filed by the Bank And Related Voting And Objection Deadlines*, in substantially the form annexed as **Exhibit 7** to the Disclosure Statement Order (the “**Plan Confirmation Hearing Notice**”);
- c. a cover letter, in substantially the form annexed as **Exhibit 6** to the Disclosure Statement Order describing the contents of the Solicitation Package and urging the Holders of Claims in the Voting Classes to vote to accept the Plan;
- d. the applicable form of Ballot, in substantially the form annexed as **Exhibits 2a, 2b, and 2c** to the Disclosure Statement Order, including a pre-paid, pre-addressed return envelope;
- e. the approved Disclosure Statement (and exhibits thereto, including the Plan);
- f. the Disclosure Statement Order (without exhibits); and
- g. any additional documents that the Court has ordered to be made available.

**2. Distribution of the Solicitation Package.**

The Solicitation Package shall provide the Plan, the Disclosure Statement, and the Disclosure Statement Order (without exhibits, except the Solicitation and Voting Procedures) in electronic format, and all other contents of the Solicitation Package, including Ballots, shall be provided in paper format. Any party that receives the materials in electronic format but would prefer paper format may contact the Voting and Claims Agent by: (a) writing to Windels Marx Lane & Mittendorf, LLP Re: East Broadway Mall, 156 West 56<sup>th</sup> Street, New York, NY 10019; and/or (b) emailing JSullivan@Windelsmarx.com and request paper copies of the corresponding materials previously received in electronic format (to be provided at the Estate’s expense).

The Bank shall serve, or cause to be served, all of the materials in the Solicitation Package (excluding the Ballots) on the U.S. Trustee and all parties who have requested service of papers in this case pursuant to Bankruptcy Rule 2002 as of the Voting Record Date. In addition, the Bank shall mail, or cause to be mailed, the Solicitation Package to all Holders of Claims in the Voting Classes on or before **July 13, 2023** who are entitled to vote, as described in section D below.

To avoid duplication and reduce expenses, the Bank will use commercially reasonable efforts to ensure that any Holder of a Claim who has filed duplicative Claims against the Debtor that are classified under the Plan in the same Voting Class receives no more than one Solicitation Package (and, therefore, one Ballot) on account of such Claim and with respect to that Class as against that Debtor.

**3. Resolution of Disputed Claims for Voting Purposes; Resolution Event.**

- a. Absent a further order of the Court, the Holder of a Claim or Interest in the Voting Classes that is the subject of a pending objection filed with the Court by the Bank on a “reduce and allow” basis shall be entitled to vote such Claim in the reduced amount contained in such objection.
- b. If a Claim or Interest in a Voting Class is subject to an objection other than a “reduce and allow” objection that is filed with the Court by the Bank no later than the Solicitation Launch Date: (i) the Bank shall cause the applicable Holder to be served with a Disputed Claim Notice substantially in the form annexed as **Exhibit 5** to the Disclosure Statement Order; and (ii) the applicable Holder shall not be entitled to vote to accept or reject the Plan on account of such claim unless a Resolution Event (as defined herein) occurs as provided herein.
- c. If a Claim or Interest in a Voting Class is subject to an objection other than a “reduce and allow” objection that is filed with the Court by the Bank after the Solicitation Launch Date, the applicable Claim shall be deemed temporarily allowed for voting purposes only, without further action by the Holder of such Claim and without further order of the Court, unless the Court orders otherwise.
- d. A “**Resolution Event**” means the occurrence of one or more of the following events no later than three business days prior to the Voting Deadline:
  - i. an order of the Court is entered allowing such Claim pursuant to section 502(b) of the Bankruptcy Code, after notice and a hearing;

- ii. an order of the Court is entered temporarily allowing such Claim for voting purposes only pursuant to Bankruptcy Rule 3018(a), after notice and a hearing;
  - iii. a stipulation or other agreement is executed between the Holder of such Claim and the Bank resolving the objection and allowing such Claim in an agreed upon amount; or
  - iv. the pending objection is voluntarily withdrawn by the Bank.
- e. No later than one business day following the occurrence of a Resolution Event, the Bank shall cause the Voting and Claims Agent to distribute via email, hand delivery, or overnight courier service a Solicitation Package and a pre-addressed, postage pre-paid envelope to the relevant Holder.

**4. Non-Voting Status Notices for Unimpaired Classes and Classes Deemed to Reject the Plan.**

Certain Holders of Claims or Interests that are not classified in accordance with section 1123(a)(1) of the Bankruptcy Code or who are not entitled to vote because they are Unimpaired or otherwise presumed to accept the Plan under section 1126(f) of the Bankruptcy Code will receive only the Notice of Non-Voting Status to Holders of Unimpaired Claims Conclusively Presumed to Accept the Plan, substantially in the form annexed as **Exhibit 3** to the Disclosure Statement Order. Such notice will instruct these Holders as to how they may obtain copies of the documents contained in the Solicitation Package (excluding Ballots). Certain Holders of Claims and Interests who are not entitled to vote because they are deemed to reject the Plan under section 1126(g) of the Bankruptcy Code will receive the Notice of Non-Voting Status to Holders of Impaired Claims and Equity Interests Deemed to Reject the Plan, substantially in the form annexed as **Exhibit 4** to the Disclosure Statement Order. Such notice will instruct these Holders as to how they may obtain copies of the documents contained in the Solicitation Package (excluding Ballots).

**5. Notices in Respect of Executory Contracts and Unexpired Leases.**

Counterparties to Executory Contracts and Unexpired Leases that receive a Notice of Assumption of Executory Contracts and Unexpired Leases or Notice of Rejection of Executory Contracts and Unexpired Leases substantially in the forms attached as **Exhibit 9** and **Exhibit 10** to the Disclosure Statement Order, respectively, may file an objection to the Bank's proposed assumption, rejection, and/or cure amount, as applicable. Such objections must be actually received by the Voting and Claims Agent by **August 18, 2023, at 4:00 p.m.** prevailing Eastern Time.

**D. Voting and Tabulation Procedures.**

**1. Holders of Claims entitled to Vote.**

Only the following Holders of Claims in the Voting Classes shall be entitled to vote with regard to such Claims:

- a. holders of Claims who, on or before the Voting Record Date, have timely filed a Proof of Claim (or an untimely Proof of Claim that has been Allowed as timely by the Court under applicable law on or before the Voting Record Date) that: (i) has not been expunged, disallowed, disqualified, withdrawn, or superseded prior to the Voting Record Date; and (ii) is not the subject of a pending objection filed with the Court by the Bank at least seven days prior to the Voting Deadline, pending a Resolution Event as provided herein; provided that a Holder of a Claim or Interest that is the subject of a pending objection on a “reduce and allow” basis shall receive a Solicitation Package and be entitled to vote such Claim in the reduced amount contained in such objection absent a further order of the Court;
- b. holders of Claims that are listed in the Schedules; provided that if the applicable Claims Bar Date has not expired prior to the Voting Record Date, a Claim listed in the Schedules as contingent, disputed, or unliquidated shall be allowed to vote only in the amount of \$1.00;
- c. holders whose Claims arise: (i) pursuant to an agreement or settlement with the Debtor, as reflected in a document filed with the Court, (ii) in an order entered by the Court, or (iii) in a document executed by the Debtor pursuant to authority granted by the Court, in each case regardless of whether a Proof of Claim has been filed;
- d. holders of any Disputed Claim that has been temporarily allowed to vote on the Plan pursuant to Bankruptcy Rule 3018; and
- e. with respect to any Entity described in subparagraphs (a) through (d) above, who, on or before the Voting Record Date, has transferred such Entity’s Claim to another Entity, the assignee of such Claim; provided that such transfer or assignment has been fully effectuated pursuant to the procedures set forth in Bankruptcy Rule 3001(e) and such transfer is reflected on the Claims Register on the Voting Record Date.

## **2. Establishing Claim Amounts for Voting Purposes.**

**Class 4A Claims.** The Claims amount of Class 4A Claims for voting purposes only will be established based on the amount after claims in classes 1, 2, 3B, and 4B are paid in full.

**Class 4B Claims.** The Claims amount of Class 4B Claims for voting purposes only will be established based on the amount of a pro rata distribution of Estate assets on account of Allowed Claims after claims 1, 2, 3B, 4A and 4C are paid in full.

**Class 4C Claims.** The Claims amount of Class 4C Claims for voting purposes only will be established based on the amount equal to 10% of its allowed claim capped at \$2000.

If a Proof of Claim is amended, the last filed claim shall be subject to these rules and will supersede any earlier filed claim, and any earlier filed claim will be disallowed for voting purposes.

**File/Scheduled Claims.** The Claim amount established herein shall control for voting purposes only and shall not constitute the Allowed amount of any Claim. Moreover, any amounts filled in on Ballots by the Bank through the Voting and Claims Agent, as applicable, are not binding for purposes of allowance and distribution. In tabulating votes, the following hierarchy shall be used to determine the amount of the Claim associated with each claimant's vote:

- a. the Claim amount: (i) settled and/or agreed upon by the Bank, as reflected in a document filed with the Court, (ii) set forth in an order of the Court, or (iii) set forth in a document executed by the Bank pursuant to authority granted by the Court;
- b. the Claim amount Allowed (temporarily or otherwise) pursuant to a Resolution Event under the procedures set forth in the Solicitation and Voting Procedures;
- c. the Claim amount contained in a Proof of Claim that has been timely filed (or deemed timely filed by the Court under applicable law), except for any amounts asserted on account of any interest accrued after the Petition Date; provided, that Ballots cast by Holders of Claims who timely file a Proof of Claim in respect of a contingent Claim or in a wholly-unliquidated or unknown amount that is not the subject of an objection will count for satisfying the numerosity requirement of section 1126(c) of the Bankruptcy Code and will count as Ballots for Claims in the amount of \$1.00 solely for the purposes of satisfying the dollar amount provisions of section 1126(c) of the Bankruptcy Code, and, if a Proof of Claim is filed as partially liquidated and partially unliquidated, such Claim will be Allowed for voting purposes only in the liquidated amount; provided, further, that to the extent the Claim amount contained in the Proof of Claim is different from the Claim amount set forth in a document filed with the Court as referenced in subparagraph (a) above, the Claim amount in the document filed with the Court shall supersede the Claim amount set forth on the respective Proof of Claim;
- d. the Claim amount listed in the Schedules; provided that such Claim is not scheduled as contingent, disputed, or unliquidated and/or has not been paid; provided, further, that if the applicable Claims Bar Date has not expired prior to the Voting Record Date, a Claim listed in the Schedules as



contingent, disputed, or unliquidated shall be allowed to vote only in the amount of \$1.00; and

- e. in the absence of any of the foregoing, such Claim shall be disallowed for voting purposes unless otherwise ordered by the Court.

### **3. Voting and Ballot Tabulation Procedures.**

The following voting procedures and standard assumptions shall be used in tabulating Ballots, subject to the Bank's right to waive any of the below specified requirements for completion and submission of Ballots so long as such requirement is not otherwise required by the Bankruptcy Code, Bankruptcy Rules, or Local Rules:

- a. except as otherwise provided in the Solicitation and Voting Procedures, unless the Ballot being furnished is timely submitted on or prior to the Voting Deadline (as the same may be extended by the Bank or by order of the Court), the Bank shall reject such Ballot as invalid and, therefore, shall not count it in connection with Confirmation of the Plan;
- b. the Voting and Claims Agent will date-stamp all Ballots when received. The Voting and Claims Agent shall retain the original Ballots and an electronic copy of the same for a period of one year after the Effective Date of the Plan, unless otherwise ordered by the Court;
- c. the Bank will file with the Court, not later than **August 23, 2023 at 4:00 p.m.**, prevailing Eastern Time a certification of votes (the "**Voting Report**"). The Voting Report shall, among other things, certify to the Court in writing the amount and number of allowed claims or allowed interests of each class accepting or rejecting the plan, and delineate every Ballot that does not conform to the voting instructions or that contains any form of irregularity including, but not limited to, those Ballots that are late or (in whole or in material part) illegible, unidentifiable, lacking signatures or lacking necessary information, received via facsimile, or damaged (each, an "**Irregular Ballot**"). The Voting Report shall indicate the Bank's intentions with regard to each such Irregular Ballot. The Voting Report shall be served upon the Committee and the U.S. Trustee;
- d. the method of delivery of Ballots to be sent to the Voting and Claims Agent is at the election and risk of each Holder, and except as otherwise provided, a Ballot will be deemed delivered only when the Voting and Claims Agent actually receives the executed Ballot;
- e. an executed Ballot is required to be submitted by the Entity submitting such Ballot. Subject to the other procedures and requirements herein, completed,

executed Ballots may be submitted via electronic mail, in PDF format, to the Voting and Claims Agent at JSullivan@Windelsmarx.com. However, Ballots submitted by facsimile, or any electronic means other than as expressly provided in these Solicitation and Voting Procedures, will not be valid;

- f. no Ballot should be sent to the Bank, the Bank's agents (other than the Voting and Claims Agent), the Bank's financial or legal advisors, and if so sent will not be counted;
- g. if multiple Ballots are received from the same Holder with respect to the same Claim or Interest prior to the Voting Deadline, the last properly executed Ballot timely received will be deemed to reflect that voter's intent and will supersede and revoke any prior Ballot; provided, however, if a Holder submits both a Class 4B and Class 4C Ballot, the Class 4C Ballot shall control.
- h. Holders must vote all of their Claims within a particular Class either to accept or reject the Plan and may not split any votes. Accordingly, a Ballot that partially rejects and partially accepts the Plan will not be counted. Further, to the extent there are multiple Claims within the Voting Class, the Bank may, in its discretion, aggregate the Claims of any particular Holder for the purpose of counting votes;
- i. a person signing a Ballot in its capacity as a trustee, executor, administrator, guardian, attorney in fact, officer of a corporation, or otherwise acting in a fiduciary or representative capacity of a Holder of Claims or Interest must indicate such capacity when signing;
- j. the Bank, subject to a contrary order of the Court, may waive any defects or irregularities as to any particular Irregular Ballot at any time, either before or after the close of voting, and any such waivers will be documented in the Voting Report;
- k. neither the Bank, nor any other Entity, will be under any duty to provide notification of defects or irregularities with respect to delivered Ballots other than as provided in the Voting Report, nor will any of them incur any liability for failure to provide such notification;
- l. unless waived or as ordered by the Court, any defects or irregularities in connection with deliveries of Ballots must be cured prior to the Voting Deadline or such Ballots will not be counted;

- m. in the event a designation of lack of good faith is requested by a party in interest under section 1126(e) of the Bankruptcy Code, the Court will determine whether any vote to accept and/or reject the Plan cast with respect to that Claim or Interest will be counted for purposes of determining whether the Plan has been accepted and/or rejected;
- n. if a Claim or Interest has been estimated or otherwise Allowed for voting purposes only by order of the Court, such Claim shall be temporarily Allowed in the amount so estimated or Allowed by the Court for voting purposes only, and not for purposes of allowance or distribution;
- o. if an objection to a Claim is filed, such Claim shall be treated in accordance with the procedures set forth herein;
- p. the following Ballots shall not be counted in determining the acceptance or rejection of the Plan: (i) any Ballot that is illegible or contains insufficient information to permit the identification of the Holder of such Claim; (ii) Ballot cast by any Entity that does not hold a Claim in a Voting Class; (iii) any Ballot cast for a Claim scheduled as unliquidated, contingent, or disputed for which no Proof of Claim was timely filed; **provided** that if the applicable Claims Bar Date has not expired prior to the Voting Record Date, a Claim listed in the Schedules as contingent, disputed, or unliquidated shall be allowed to vote only in the amount of \$1.00; (iv) any unsigned Ballot or Ballot lacking an original signature (for the avoidance of doubt, a Ballot cast via electronic mail will be deemed to be an original signature); (v) any Ballot not marked to accept or reject the Plan or marked both to accept and reject the Plan; and (vi) any Ballot submitted by any Entity not entitled to vote pursuant to the procedures described herein;
- q. after the Voting Deadline, no Ballot may be withdrawn or modified without the prior written consent of the Bank;
- r. the Bank is authorized to enter into stipulations with the Holder of any Claim agreeing to the amount of a Claim for voting purposes; and
- s. where any portion of a single Claim has been transferred to a transferee, then all Holders of any portion of such single Claim will be: (i) treated as a single creditor for purposes of the numerosity requirements in section 1126(c) of the Bankruptcy Code (and for the other voting and solicitation procedures set forth herein), and (ii) required to vote every portion of such Claim collectively to accept or reject the Plan. In the event that: (x) a Ballot, (y) a group of Ballots within a Voting Class received from a single creditor, or (z) a group of Ballots received from the various Holders of multiple

portions of a single Claim partially reject and partially accept the Plan, such Ballots shall not be counted.

**E. Amendments to the Plan and Solicitation and Voting Procedures.**

The Bank reserves the right to make non-substantive or immaterial changes to the Disclosure Statement, Disclosure Statement Hearing Notice, Plan, Plan Confirmation Hearing Notice, Solicitation Packages, Non-Voting Status Notices, Ballots, Cover Letter, Solicitation and Voting Procedures, Plan Supplement Notice, Assumption and Rejection Notices, Voting and Tabulation Procedures, and related documents without further order of the Court, including changes to correct typographical and grammatical errors, if any, and to make conforming changes to the Disclosure Statement, the Plan, and any other materials in the Solicitation Packages before distribution.

\* \* \* \* \*

**EXHIBIT 2a**

**CLASS 4A BALLOT**

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X  
In re:

Chapter 11

EAST BROADWAY MALL,

Case No. 19-12280 -DSJ

Debtor.

-----X

**BALLOT FOR VOTING TO ACCEPT OR REJECT THE CHAPTER 11 PLAN OF  
EAST BROADWAY MALL**

---

**CLASS 4A BALLOT FOR HOLDERS OF GENERAL UNSECURED CLAIMS**

**PLEASE READ AND FOLLOW THE ENCLOSED INSTRUCTIONS FOR  
COMPLETING BALLOTS CAREFULLY BEFORE COMPLETING THIS BALLOT.**

**IF THE PLAN IS CONFIRMED BY THE BANKRUPTCY COURT, IT WILL BE  
BINDING ON YOU WHETHER OR NOT YOU VOTE.**

**FOR YOUR VOTE TO BE COUNTED, THIS BALLOT MUST BE COMPLETED,  
EXECUTED, AND RETURNED SO AS TO BE *ACTUALLY RECEIVED* BY THE  
VOTING AND CLAIMS AGENT BY AUGUST 18, 2023, AT 4:00 P.M., PREVAILING  
EASTERN TIME (THE “VOTING DEADLINE”) IN ACCORDANCE WITH THE  
FOLLOWING:**

The above-captioned debtor and debtor in possession (collectively, the “**Debtor**”), are soliciting votes with respect to the Chapter 11 Plan of East Broadway Mall (as may be modified, amended, or supplemented from time to time, the “**Plan**”) as set forth in the Disclosure Statement for the Chapter 11 Plan of East Broadway Mall (the “**Disclosure Statement**”). The Bankruptcy Court for the Southern District of New York (the “**Bankruptcy Court**”) has approved the Disclosure Statement as containing adequate information pursuant to section 1125 of the Bankruptcy Code, by entry of an order on July 6, 2023 (the “**Disclosure Statement Order**”). Bankruptcy Court approval of the Disclosure Statement does not indicate approval of the Plan by the Bankruptcy Court. Capitalized terms used but not otherwise defined herein shall have the meanings set forth in the Disclosure Statement.

You are receiving this Class 4A Ballot (this “**Class 4A Ballot**”) because you are a Holder of a Claim or Interest in Class 4A as of May 30, 2023 (the “**Voting Record Date**”). Accordingly, you have a right to vote to accept or reject the Plan.

Your rights are described in the Disclosure Statement, which was included in the package (the “**Solicitation Package**”) you are receiving with this Class 4A Ballot (as well as the Plan, Disclosure Statement Order, and certain other materials). If you received Solicitation Package materials in electronic format and desire paper copies, or if you need to obtain additional Solicitation Packages, you may obtain them from (a) Bank of Hope f/k/a BBCN Bank (the “**Voting and Claims Agent**”) at no charge by: (i) writing Windels Marx Lane & Mittendorf, LLP Re: East Broadway Mall, 156 West 56<sup>th</sup> Street, New York, NY 10019; or (ii) via electronic mail to [JSullivan@Windelsmarx.com](mailto:JSullivan@Windelsmarx.com).

This Class 4A Ballot may not be used for any purpose other than for casting votes to accept or reject the Plan and making certain certifications with respect to the Plan. If you believe you have received this Class 4A Ballot in error, or if you believe that you have received the wrong ballot, please contact the Voting and Claims Agent immediately at the address or email address set forth above. You should review the Disclosure Statement and the Plan before you vote. You may wish to seek legal advice concerning the Plan and the Plan’s classification and treatment of your Claim. Your Claim has been placed in Class 4A, General Unsecured Claims, under the Plan. If you hold Claims in more than one Class, you will receive a ballot for each Class in which you are entitled to vote.

**Item 1.**      **Amount of Claim.**

The undersigned hereby certifies that as of the Voting Record Date, the undersigned was the Holder of Prepetition Secured Claims in the following aggregate unpaid amount (insert amount in box below):

\$ \_\_\_\_\_

**Item 2.**      **Vote on Plan.**

The Holder of the Class 4A General Unsecured Claim against the Debtor set forth in Item 1 votes to (please check one):

☐ **ACCEPT** (vote FOR) the Plan      ☐ **REJECT** (vote AGAINST) the Plan

**Your vote on the Plan will be applied to each applicable Debtor in the same manner and in the same amount as indicated in Item 1 and Item 2 above.**

**Item 3.**      **Certifications.**

By signing this Class 4A Ballot, the undersigned certifies to the Bankruptcy Court and the Debtor:

- a) that, as of the Voting Record Date, either: (i) the Entity is the Holder of the General Unsecured Claim being voted; or (ii) the Entity is an authorized signatory for an Entity that is a Holder of the General Unsecured Claim being voted;
- b) that the Entity (or in the case of an authorized signatory, the Holder) has received a copy of the Disclosure Statement and the Solicitation Package and acknowledges that the solicitation is being made pursuant to the terms and conditions set forth therein;
- c) that the Entity has cast the same vote with respect to all General Unsecured Claim in a single Class; and
- d) that no other Class 4A Ballots with respect to the amount of the General Unsecured Claims identified in Item 1 have been cast or, if any other Class 4A Ballots have been cast with respect to such General Unsecured Claims, then any such earlier Class 4A Ballots are hereby revoked.

Name of Holder: \_\_\_\_\_  
(Print or Type)

Signature: \_\_\_\_\_

Name of Signatory: \_\_\_\_\_  
(If other than Holder)

Title: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone Number: \_\_\_\_\_

Email: \_\_\_\_\_

Date Completed: \_\_\_\_\_



**PLEASE COMPLETE, SIGN, AND DATE THIS BALLOT AND RETURN IT (WITH AN ORIGINAL SIGNATURE) PROMPTLY VIA FIRST CLASS MAIL (OR THE ENCLOSED REPLY ENVELOPE PROVIDED), OVERNIGHT COURIER, OR HAND DELIVERY TO:**

<b><u>If by First Class Mail:</u></b>	<b><u>If by Hand Delivery or Overnight Mail:</u></b>
Windels Marx Lane & Mittendorf, LLP Re: East Broadway Mall 156 West 56 <sup>th</sup> Street New York, NY 10019	Windels Marx Lane & Mittendorf, LLP Re: East Broadway Mall 156 West 56 <sup>th</sup> Street New York, NY 10019

**OR**

**COMPLETE, SIGN, AND DATE THIS BALLOT AND RETURN IT PROMPTLY VIA ELECTRONIC MAIL TO JSULLIVAN@WINDELSMARX.COM WITH “EAST BROADWAY MALL VOTE” IN THE SUBJECT LINE**

**Holders of Claims who cast a ballot via electronic mail to JSullivan@Windelsmarx.com with “East Broadway Mall” in the subject line should NOT also submit a paper Ballot.**

**FOR ANY BALLOT CAST VIA ELECTRONIC MAIL, A FORMAT OF THE ATTACHMENT MUST BE FOUND IN THE COMMON WORKPLACE AND INDUSTRY STANDARD FORMAT (I.E., INDUSTRY-STANDARD PDF FILE) AND THE RECEIVED DATE AND TIME IN THE VOTING AND CLAIMS AGENT’S INBOX WILL BE USED AS A TIMESTAMP FOR RECEIPT.**

<b>IF THE VOTING AND CLAIMS AGENT DOES NOT <i>ACTUALLY RECEIVE</i> THIS CLASS 4A BALLOT ON OR BEFORE <u>AUGUST 18, 2023</u> AT 4:00 P.M., PREVAILING EASTERN TIME, (AND IF THE VOTING DEADLINE IS NOT EXTENDED), YOUR VOTE TRANSMITTED BY THIS CLASS 4A BALLOT MAY BE COUNTED TOWARD CONFIRMATION OF THE PLAN ONLY IN THE DISCRETION OF THE BANK.</b>
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<b>CLASS 4A – GENERAL UNSECURED CLAIMS</b>
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**INSTRUCTIONS FOR COMPLETING THE CLASS 4A BALLOT**

1. The Bank is soliciting the votes of Holders of Claims with respect to the Plan attached as **Exhibit A** to the Disclosure Statement. Capitalized terms used in the Class 4A Ballot or in these instructions but not otherwise defined therein or herein shall have the meaning set forth in the Disclosure Statement, a copy of which also accompanies the Class 4A Ballot. **PLEASE READ THE PLAN AND DISCLOSURE STATEMENT CAREFULLY BEFORE COMPLETING THIS BALLOT.**
2. The Plan can be confirmed by the Court and thereby made binding upon you if it is accepted by the Holders of at least two-thirds in amount and more than one-half in number of Claims in at least one class of creditors that votes on the Plan and if the Plan otherwise satisfies the requirements for confirmation provided by section 1129(a) of the Bankruptcy Code. Please review the Disclosure Statement for more information.
3. To ensure that your Class 4A Ballot is counted, you must complete and submit this Class 4A Ballot as instructed herein. Ballots will not be accepted by facsimile.
4. **Use of Ballot.** To ensure that your Class 4A Ballot is counted, you must: (a) complete your Class 4A Ballot in accordance with these instructions; (b) clearly indicate your decision either to accept or reject the Plan in the boxes provided in Item 2 of the Class 4A Ballot; and (c) clearly sign and submit your Class 4A Ballots instructed herein.
5. Your Class 4A Ballot must be returned to the Voting and Claims Agent so as to be actually received by the Voting and Claims Agent on or before the Voting Deadline. The Voting Deadline is **August 18, 2023 at 4:00 p.m.,** prevailing Eastern Time. For any ballot cast via electronic mail, the received date and time in the Voting and Claims Agent's inbox will be used as a timestamp for receipt.
6. If a Class 4A Ballot is received after the Voting Deadline and if the Voting Deadline is not extended, it may be counted only in the sole and absolute discretion of the Bank. Additionally, the following Class 4A Ballots will not be counted:
  - (a) any Class 4A Ballot that partially rejects and partially accepts the Plan;
  - (b) Class 4A Ballots sent to the Debtor, the Debtor's agents (other than the Voting and Claims Agent), or the Debtor's financial or legal advisors;
  - (c) Class 4A Ballots sent by facsimile;
  - (d) any Class 4A Ballot that is illegible or contains insufficient information to permit the identification of the Holder of the Claim;
  - (e) any Class 4A Ballot cast by an Entity that does not hold a Claim in such Class;

- (f) any Class 4A Ballot submitted by a Holder not entitled to vote pursuant to the Plan;
  - (g) any unsigned Class 4A Ballot;
  - (h) any non-original Class 4A Ballot; and/or
  - (i) any Class 4A Ballot not marked to accept or reject the Plan or any Class 4A Ballot marked both to accept and reject the Plan.
7. The method of delivery of Class 4A Ballot to the Voting and Claims Agent is at the election and risk of each Holder of a General Unsecured Claim. Except as otherwise provided herein, such delivery will be deemed made only when the Voting and Claims Agent actually receives the originally executed Class 4A Ballot. In all cases, Holders should allow sufficient time to assure timely delivery.
  8. If multiple Class 4A Ballots are received from the same Holder of a General Unsecured Claim with respect to the same General Unsecured Claim prior to the Voting Deadline, the latest, timely received, and properly completed Class 4A Ballot will supersede and revoke any earlier received Class 4A Ballots.
  9. You must vote all of your General Unsecured Claims within Class 4A either to accept or reject the Plan and may not split your vote. Further, if a Holder has multiple General Unsecured Claims within Class 4A, the Debtor may, in their discretion, aggregate the Claims of any particular Holder with multiple General Unsecured Claims within Class 4A for the purpose of counting votes.
  10. This Class 4A Ballot does not constitute, and shall not be deemed to be, (a) a Proof of Claim or (b) an assertion or admission of a Claim.
  11. Please be sure to sign and date your Class 4A Ballot. If you are signing a Class 4A Ballot in your capacity as a trustee, executor, administrator, guardian, attorney in fact, officer of a corporation, or otherwise acting in a fiduciary or representative capacity, you must indicate such capacity when signing and, if required or requested by the Voting and Claims Agent, the Debtor, or the Bankruptcy Court, must submit proper evidence to the requesting party to so act on behalf of such Holder. In addition, please provide your name and mailing address if it is different from that set forth on the attached mailing label or if no such mailing label is attached to the Class 4A Ballot.
  12. If you hold Claims in more than one Class under the Plan you may receive more than one ballot coded for each different Class. Each ballot votes only your Claims indicated on that ballot, so please complete and return each ballot that you received.

**PLEASE SUBMIT YOUR CLASS 4A BALLOT PROMPTLY**

**IF YOU HAVE ANY QUESTIONS REGARDING THIS CLASS 4A BALLOT, THESE VOTING INSTRUCTIONS OR THE PROCEDURES FOR VOTING, PLEASE EMAIL: JSULLIVAN@WINDELSMARX.COM.**

**IF THE VOTING AND CLAIMS AGENT DOES NOT ACTUALLY RECEIVE THIS CLASS 4A BALLOT ON OR BEFORE THE VOTING DEADLINE, WHICH IS ON AUGUST 18, 2023 AT 4:00 P.M., PREVAILING EASTERN TIME, (AND IF THE VOTING DEADLINE IS NOT EXTENDED), YOUR VOTE TRANSMITTED HEREBY MAY BE COUNTED ONLY IN THE DISCRETION OF THE BANK.**

**EXHIBIT 2b**

**CLASS 4B BALLOT**

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X

In re:

Chapter 11

EAST BROADWAY MALL,

Case No. 19-12280 -DSJ

Debtor.

-----X

**BALLOT FOR VOTING TO ACCEPT OR REJECT THE CHAPTER 11 PLAN OF  
EAST BROADWAY MALL**

---

**CLASS 4B BALLOT FOR HOLDERS OF UNSECURED CLAIMS**

**PLEASE READ AND FOLLOW THE ENCLOSED INSTRUCTIONS FOR  
COMPLETING BALLOTS CAREFULLY BEFORE COMPLETING THIS BALLOT.**

**IF THE PLAN IS CONFIRMED BY THE BANKRUPTCY COURT, IT WILL BE  
BINDING ON YOU WHETHER OR NOT YOU VOTE.**

**FOR YOUR VOTE TO BE COUNTED, THIS BALLOT MUST BE COMPLETED,  
EXECUTED, AND RETURNED SO AS TO BE *ACTUALLY RECEIVED* BY THE  
VOTING AND CLAIMS AGENT BY AUGUST 18, 2023 AT 4:00 P.M., PREVAILING  
EASTERN TIME (THE “VOTING DEADLINE”) IN ACCORDANCE WITH THE  
FOLLOWING:**

The above-captioned debtor and debtor in possession (collectively, the “**Debtor**”), are soliciting votes with respect to the Chapter 11 Plan of East Broadway Mall (as may be modified, amended, or supplemented from time to time, the “**Plan**”) as set forth in the Disclosure Statement for the Chapter 11 Plan of East Broadway Mall (the “**Disclosure Statement**”). The Bankruptcy Court for the Southern District of New York (the “**Bankruptcy Court**”) has approved the Disclosure Statement as containing adequate information pursuant to section 1125 of the Bankruptcy Code, by entry of an order on July 6, 2023 (the “**Disclosure Statement Order**”). Bankruptcy Court approval of the Disclosure Statement does not indicate approval of the Plan by the Bankruptcy Court. Capitalized terms used but not otherwise defined herein shall have the meanings set forth in the Disclosure Statement.

You are receiving this Class 4B Ballot (this “**Class 4B Ballot**”) because you are a Holder of a Claim or Interest in Class 4B as of May 30, 2023 (the “**Voting Record Date**”). Accordingly, you have a right to vote to accept or reject the Plan.

Your rights are described in the Disclosure Statement, which was included in the package (the “**Solicitation Package**”) you are receiving with this Class 4B Ballot (as well as the Plan, Disclosure Statement Order, and certain other materials). If you received Solicitation Package materials in electronic format and desire paper copies, or if you need to obtain additional Solicitation Packages, you may obtain them from (a) Bank of Hope f/k/a BBCN Bank (the “**Voting and Claims Agent**”) at no charge by: (i) writing Windels Marx Lane & Mittendorf, LLP Re: East Broadway Mall, 156 West 56<sup>th</sup> Street, New York, NY 10019; or (ii) via electronic mail to [JSullivan@Windelsmarx.com](mailto:JSullivan@Windelsmarx.com).

This Class 4B Ballot may not be used for any purpose other than for casting votes to accept or reject the Plan and making certain certifications with respect to the Plan. If you believe you have received this Class 4B Ballot in error, or if you believe that you have received the wrong ballot, please contact the Voting and Claims Agent immediately at the address or email address set forth above. You should review the Disclosure Statement and the Plan before you vote. You may wish to seek legal advice concerning the Plan and the Plan’s classification and treatment of your Claim. Your Claim has been placed in Class 4B, Unsecured Claims, under the Plan. If you hold Claims in more than one Class, you will receive a ballot for each Class in which you are entitled to vote.

**Item 1.**      **Amount of Claim.**

The undersigned hereby certifies that as of the Voting Record Date, the undersigned was the Holder of Prepetition Secured Claims in the following aggregate unpaid amount (insert amount in box below):

\$ _____
-------------

**Item 2.**      **Vote on Plan.**

The Holder of the Class 4B Unsecured Claim against the Debtor set forth in Item 1 votes to (please check one):

<input type="checkbox"/> <b><u>ACCEPT</u></b> (vote FOR) the Plan <input type="checkbox"/> <b><u>REJECT</u></b> (vote AGAINST) the Plan
---

**Your vote on the Plan will be applied to each applicable Debtor in the same manner and in the same amount as indicated in Item 1 and Item 2 above.**

**Item 3.**      **Certifications.**

By signing this Class 4B Ballot, the undersigned certifies to the Bankruptcy Court and the Debtor:

- e) that, as of the Voting Record Date, either: (i) the Entity is the Holder of the Unsecured Claim being voted; or (ii) the Entity is an authorized signatory for an Entity that is a Holder of the Unsecured Claim being voted;
- f) that the Entity (or in the case of an authorized signatory, the Holder) has received a copy of the Disclosure Statement and the Solicitation Package and acknowledges that the solicitation is being made pursuant to the terms and conditions set forth therein;
- g) that the Entity has cast the same vote with respect to all Unsecured Claim in a single Class; and
- h) that no other Class 4B Ballots with respect to the amount of the Unsecured Claims identified in Item 1 have been cast or, if any other Class 4B Ballots have been cast with respect to such Unsecured Claims, then any such earlier Class 4B Ballots are hereby revoked.

Name of Holder: \_\_\_\_\_  
(Print or Type)

Signature: \_\_\_\_\_

Name of Signatory: \_\_\_\_\_  
(If other than Holder)

Title: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone Number: \_\_\_\_\_

Email: \_\_\_\_\_

Date Completed: \_\_\_\_\_



**PLEASE COMPLETE, SIGN, AND DATE THIS BALLOT AND RETURN IT (WITH AN ORIGINAL SIGNATURE) PROMPTLY VIA FIRST CLASS MAIL (OR THE ENCLOSED REPLY ENVELOPE PROVIDED), OVERNIGHT COURIER, OR HAND DELIVERY TO:**

<b><u>If by First Class Mail:</u></b>	<b><u>If by Hand Delivery or Overnight Mail:</u></b>
Windels Marx Lane & Mittendorf, LLP Re: East Broadway Mall 156 West 56 <sup>th</sup> Street New York, NY 10019	Windels Marx Lane & Mittendorf, LLP Re: East Broadway Mall 156 West 56 <sup>th</sup> Street New York, NY 10019

**OR**

**COMPLETE, SIGN, AND DATE THIS BALLOT AND RETURN IT PROMPTLY VIA ELECTRONIC MAIL TO JSULLIVAN@WINDELSMARX.COM WITH “EAST BROADWAY MALL VOTE” IN THE SUBJECT LINE**

**Holders of Claims who cast a ballot via electronic mail to JSullivan@Windelsmarx.com with “East Broadway Mall” in the subject line should NOT also submit a paper Ballot.**

**FOR ANY BALLOT CAST VIA ELECTRONIC MAIL, A FORMAT OF THE ATTACHMENT MUST BE FOUND IN THE COMMON WORKPLACE AND INDUSTRY STANDARD FORMAT (I.E., INDUSTRY-STANDARD PDF FILE) AND THE RECEIVED DATE AND TIME IN THE VOTING AND CLAIMS AGENT’S INBOX WILL BE USED AS A TIMESTAMP FOR RECEIPT.**

<b>IF THE VOTING AND CLAIMS AGENT DOES NOT <i>ACTUALLY RECEIVE</i> THIS CLASS 4B BALLOT ON OR BEFORE <u>AUGUST 18, 2023</u>, AT 4:00 P.M., PREVAILING EASTERN TIME, (AND IF THE VOTING DEADLINE IS NOT EXTENDED), YOUR VOTE TRANSMITTED BY THIS CLASS 4B BALLOT MAY BE COUNTED TOWARD CONFIRMATION OF THE PLAN ONLY IN THE DISCRETION OF THE BANK.</b>
--

**CLASS 4B – UNSECURED CLAIMS**

**INSTRUCTIONS FOR COMPLETING THE CLASS 4B BALLOT**

13. The Bank is soliciting the votes of Holders of Claims with respect to the Plan attached as **Exhibit A** to the Disclosure Statement. Capitalized terms used in the Class 4B Ballot or in these instructions but not otherwise defined therein or herein shall have the meaning set forth in the Disclosure Statement, a copy of which also accompanies the Class 4B Ballot. **PLEASE READ THE PLAN AND DISCLOSURE STATEMENT CAREFULLY BEFORE COMPLETING THIS BALLOT.**
14. The Plan can be confirmed by the Court and thereby made binding upon you if it is accepted by the Holders of at least two-thirds in amount and more than one-half in number of Claims in at least one class of creditors that votes on the Plan and if the Plan otherwise satisfies the requirements for confirmation provided by section 1129(a) of the Bankruptcy Code. Please review the Disclosure Statement for more information.
15. To ensure that your Class 4B Ballot is counted, you must complete and submit this Class 4B Ballot as instructed herein. Ballots will not be accepted by facsimile.
16. **Use of Ballot.** To ensure that your Class 4B Ballot is counted, you must: (a) complete your Class 4B Ballot in accordance with these instructions; (b) clearly indicate your decision either to accept or reject the Plan in the boxes provided in Item 2 of the Class 4B Ballot; and (c) clearly sign and submit your Class 4B Ballots instructed herein.
17. Your Class 4B Ballot must be returned to the Voting and Claims Agent so as to be actually received by the Voting and Claims Agent on or before the Voting Deadline. The Voting Deadline is **August 18, 2023, at 4:00 p.m.,** prevailing Eastern Time. For any ballot cast via electronic mail, the received date and time in the Voting and Claims Agent's inbox will be used as a timestamp for receipt.
18. If a Class 4B Ballot is received after the Voting Deadline and if the Voting Deadline is not extended, it may be counted only in the sole and absolute discretion of the Bank. Additionally, the following Class 4B Ballots will not be counted:
  - (a) any Class 4B Ballot that partially rejects and partially accepts the Plan;
  - (b) Class 4B Ballots sent to the Debtor, the Debtor's agents (other than the Voting and Claims Agent), or the Debtor's financial or legal advisors;
  - (c) Class 4B Ballots sent by facsimile;
  - (d) any Class 4B Ballot that is illegible or contains insufficient information to permit the identification of the Holder of the Claim;
  - (e) any Class 4B Ballot cast by an Entity that does not hold a Claim in such Class;

- (f) any Class 4B Ballot submitted by a Holder not entitled to vote pursuant to the Plan;
- (g) any unsigned Class 4B Ballot;
- (h) any non-original Class 4B Ballot; and/or
- (i) any Class 4B Ballot not marked to accept or reject the Plan or any Class 4B Ballot marked both to accept and reject the Plan.

19. The method of delivery of Class 4B Ballot to the Voting and Claims Agent is at the election and risk of each Holder of an Unsecured Claim. Except as otherwise provided herein, such delivery will be deemed made only when the Voting and Claims Agent actually receives the originally executed Class 4B Ballot. In all cases, Holders should allow sufficient time to assure timely delivery.
20. If multiple Class 4B Ballots are received from the same Holder of an Unsecured Claim with respect to the same Unsecured Claim prior to the Voting Deadline, the latest, timely received, and properly completed Class 4B Ballot will supersede and revoke any earlier received Class 4B Ballots.
21. You must vote all of your Unsecured Claims within Class 4B either to accept or reject the Plan and may not split your vote. Further, if a Holder has multiple Unsecured Claims within Class 4B, the Debtor may, in their discretion, aggregate the Claims of any particular Holder with multiple Unsecured Claims within Class 4B for the purpose of counting votes.
22. This Class 4B Ballot does not constitute, and shall not be deemed to be, (a) a Proof of Claim or (b) an assertion or admission of a Claim.
23. Please be sure to sign and date your Class 4B Ballot. If you are signing a Class 4B Ballot in your capacity as a trustee, executor, administrator, guardian, attorney in fact, officer of a corporation, or otherwise acting in a fiduciary or representative capacity, you must indicate such capacity when signing and, if required or requested by the Voting and Claims Agent, the Debtor, or the Bankruptcy Court, must submit proper evidence to the requesting party to so act on behalf of such Holder. In addition, please provide your name and mailing address if it is different from that set forth on the attached mailing label or if no such mailing label is attached to the Class 4B Ballot.
24. If you hold Claims in more than one Class under the Plan you may receive more than one ballot coded for each different Class. Each ballot votes only your Claims indicated on that ballot, so please complete and return each ballot that you received.

**PLEASE SUBMIT YOUR CLASS 4B BALLOT PROMPTLY**

**IF YOU HAVE ANY QUESTIONS REGARDING THIS CLASS 4B BALLOT, THESE VOTING INSTRUCTIONS OR THE PROCEDURES FOR VOTING, PLEASE EMAIL: JSULLIVAN@WINDELSMARX.COM.**

**IF THE VOTING AND CLAIMS AGENT DOES NOT ACTUALLY RECEIVE THIS CLASS 4B BALLOT ON OR BEFORE THE VOTING DEADLINE, WHICH IS ON AUGUST 18, 2023 AT 4:00 P.M., PREVAILING EASTERN TIME, (AND IF THE VOTING DEADLINE IS NOT EXTENDED), YOUR VOTE TRANSMITTED HEREBY MAY BE COUNTED ONLY IN THE DISCRETION OF THE BANK.**

**EXHIBIT 2c**

**CLASS 4C BALLOT**

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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In re:

Chapter 11

EAST BROADWAY MALL,

Case No. 19-12280 -DSJ

Debtor.

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**BALLOT FOR VOTING TO ACCEPT OR REJECT THE CHAPTER 11 PLAN OF  
EAST BROADWAY MALL**

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**CLASS 4C BALLOT FOR HOLDERS OF CONVENIENCE CLAIMS**

**PLEASE READ AND FOLLOW THE ENCLOSED INSTRUCTIONS FOR  
COMPLETING BALLOTS CAREFULLY BEFORE COMPLETING THIS BALLOT.**

**IF THE PLAN IS CONFIRMED BY THE BANKRUPTCY COURT, IT WILL BE  
BINDING ON YOU WHETHER OR NOT YOU VOTE.**

**FOR YOUR VOTE TO BE COUNTED, THIS BALLOT MUST BE COMPLETED,  
EXECUTED, AND RETURNED SO AS TO BE *ACTUALLY RECEIVED* BY THE  
VOTING AND CLAIMS AGENT BY AUGUST 18, 2023, AT 4:00 P.M., PREVAILING  
EASTERN TIME (THE “VOTING DEADLINE”) IN ACCORDANCE WITH THE  
FOLLOWING:**

The above-captioned debtor and debtor in possession (collectively, the “**Debtor**”), are soliciting votes with respect to the Chapter 11 Plan of East Broadway Mall (as may be modified, amended, or supplemented from time to time, the “**Plan**”) as set forth in the Disclosure Statement for the Chapter 11 Plan of East Broadway Mall (the “**Disclosure Statement**”). The Bankruptcy Court for the Southern District of New York (the “**Bankruptcy Court**”) has approved the Disclosure Statement as containing adequate information pursuant to section 1125 of the Bankruptcy Code, by entry of an order on July 6, 2023 (the “**Disclosure Statement Order**”). Bankruptcy Court approval of the Disclosure Statement does not indicate approval of the Plan by the Bankruptcy Court. Capitalized terms used but not otherwise defined herein shall have the meanings set forth in the Disclosure Statement.

You are receiving this Class 4C Ballot (this “**Class 4C Ballot**”) because you are a Holder of a Claim or Interest in Class 4C as of May 30, 2023 (the “**Voting Record Date**”). Accordingly, you have a right to vote to accept or reject the Plan.

Your rights are described in the Disclosure Statement, which was included in the package (the “**Solicitation Package**”) you are receiving with this Class 4C Ballot (as well as the Plan, Disclosure Statement Order, and certain other materials). If you received Solicitation Package materials in electronic format and desire paper copies, or if you need to obtain additional Solicitation Packages, you may obtain them from (a) Bank of Hope f/k/a BBCN Bank (the “**Voting and Claims Agent**”) at no charge by: (i) writing Windels Marx Lane & Mittendorf, LLP Re: East Broadway Mall, 156 West 56<sup>th</sup> Street, New York, NY 10019; or (ii) via electronic mail to [JSullivan@Windelsmarx.com](mailto:JSullivan@Windelsmarx.com).

This Class 4C Ballot may not be used for any purpose other than for casting votes to accept or reject the Plan and making certain certifications with respect to the Plan. If you believe you have received this Class 4C Ballot in error, or if you believe that you have received the wrong ballot, please contact the Voting and Claims Agent immediately at the address or email address set forth above. You should review the Disclosure Statement and the Plan before you vote. You may wish to seek legal advice concerning the Plan and the Plan’s classification and treatment of your Claim. Your Claim has been placed in Class 4C, Convenience Claims, under the Plan. If you hold Claims in more than one Class, you will receive a ballot for each Class in which you are entitled to vote.

**Item 1.**      **Amount of Claim.**

The undersigned hereby certifies that as of the Voting Record Date, the undersigned was the Holder of Prepetition Secured Claims in the following aggregate unpaid amount (insert amount in box below):

\$ _____
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**Item 2.**      **Vote on Plan.**

The Holder of the Class 4C Unsecured Claim against the Debtor set forth in Item 1 votes to (please check one):

<input type="checkbox"/> <b><u>ACCEPT</u></b> (vote FOR) the Plan <input type="checkbox"/> <b><u>REJECT</u></b> (vote AGAINST) the Plan
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**Your vote on the Plan will be applied to each applicable Debtor in the same manner and in the same amount as indicated in Item 1 and Item 2 above.**

**Item 3.**      **Certifications.**

By signing this Class 4C Ballot, the undersigned certifies to the Bankruptcy Court and the Debtor:

- i) that, as of the Voting Record Date, either: (i) the Entity is the Holder of the Unsecured Claim being voted; or (ii) the Entity is an authorized signatory for an Entity that is a Holder of the Unsecured Claim being voted;
- j) that the Entity (or in the case of an authorized signatory, the Holder) has received a copy of the Disclosure Statement and the Solicitation Package and acknowledges that the solicitation is being made pursuant to the terms and conditions set forth therein;
- k) that the Entity has cast the same vote with respect to all Unsecured Claim in a single Class; and
- l) that no other Class 4C Ballots with respect to the amount of the Convenience Claims identified in Item 1 have been cast or, if any other Class 4C Ballots have been cast with respect to such Convenience Claims, then any such earlier Class 4C Ballots are hereby revoked.

Name of Holder: \_\_\_\_\_  
(Print or Type)

Signature: \_\_\_\_\_

Name of Signatory: \_\_\_\_\_  
(If other than Holder)

Title: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone Number: \_\_\_\_\_

Email: \_\_\_\_\_

Date Completed: \_\_\_\_\_



**PLEASE COMPLETE, SIGN, AND DATE THIS BALLOT AND RETURN IT (WITH AN ORIGINAL SIGNATURE) PROMPTLY VIA FIRST CLASS MAIL (OR THE ENCLOSED REPLY ENVELOPE PROVIDED), OVERNIGHT COURIER, OR HAND DELIVERY TO:**

<b><u>If by First Class Mail:</u></b>	<b><u>If by Hand Delivery or Overnight Mail:</u></b>
Windels Marx Lane & Mittendorf, LLP Re: East Broadway Mall 156 West 56 <sup>th</sup> Street New York, NY 10019	Windels Marx Lane & Mittendorf, LLP Re: East Broadway Mall 156 West 56 <sup>th</sup> Street New York, NY 10019

**OR**

**COMPLETE, SIGN, AND DATE THIS BALLOT AND RETURN IT PROMPTLY VIA ELECTRONIC MAIL TO JSULLIVAN@WINDELSMARX.COM WITH “EAST BROADWAY MALL VOTE” IN THE SUBJECT LINE**

**Holders of Claims who cast a ballot via electronic mail to JSullivan@Windelsmarx.com with “East Broadway Mall” in the subject line should NOT also submit a paper Ballot.**

**FOR ANY BALLOT CAST VIA ELECTRONIC MAIL, A FORMAT OF THE ATTACHMENT MUST BE FOUND IN THE COMMON WORKPLACE AND INDUSTRY STANDARD FORMAT (I.E., INDUSTRY-STANDARD PDF FILE) AND THE RECEIVED DATE AND TIME IN THE VOTING AND CLAIMS AGENT’S INBOX WILL BE USED AS A TIMESTAMP FOR RECEIPT.**

<b>IF THE VOTING AND CLAIMS AGENT DOES NOT <i>ACTUALLY RECEIVE</i> THIS CLASS 4C BALLOT ON OR BEFORE <u>AUGUST 18, 2023</u>, AT 4:00 P.M., PREVAILING EASTERN TIME, (AND IF THE VOTING DEADLINE IS NOT EXTENDED), YOUR VOTE TRANSMITTED BY THIS CLASS 4C BALLOT MAY BE COUNTED TOWARD CONFIRMATION OF THE PLAN ONLY IN THE DISCRETION OF THE BANK.</b>
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**CLASS 4C – CONVENIENCE CLAIMS**

**INSTRUCTIONS FOR COMPLETING THE CLASS 4C BALLOT**

25. The Bank is soliciting the votes of Holders of Claims with respect to the Plan attached as **Exhibit A** to the Disclosure Statement. Capitalized terms used in the Class 4C Ballot or in these instructions but not otherwise defined therein or herein shall have the meaning set forth in the Disclosure Statement, a copy of which also accompanies the Class 4C Ballot. **PLEASE READ THE PLAN AND DISCLOSURE STATEMENT CAREFULLY BEFORE COMPLETING THIS BALLOT.**
26. The Plan can be confirmed by the Court and thereby made binding upon you if it is accepted by the Holders of at least two-thirds in amount and more than one-half in number of Claims in at least one class of creditors that votes on the Plan and if the Plan otherwise satisfies the requirements for confirmation provided by section 1129(a) of the Bankruptcy Code. Please review the Disclosure Statement for more information.
27. To ensure that your Class 4C Ballot is counted, you must complete and submit this Class 4C Ballot as instructed herein. Ballots will not be accepted by facsimile.
28. **Use of Ballot.** To ensure that your Class 4C Ballot is counted, you must: (a) complete your Class 4C Ballot in accordance with these instructions; (b) clearly indicate your decision either to accept or reject the Plan in the boxes provided in Item 2 of the Class 4C Ballot; and (c) clearly sign and submit your Class 4C Ballots instructed herein.
29. Your Class 4C Ballot must be returned to the Voting and Claims Agent so as to be actually received by the Voting and Claims Agent on or before the Voting Deadline. The Voting Deadline is **August 18, 2023, at 4:00 p.m.,** prevailing Eastern Time. For any ballot cast via electronic mail, the received date and time in the Voting and Claims Agent's inbox will be used as a timestamp for receipt.
30. If a Class 4C Ballot is received after the Voting Deadline and if the Voting Deadline is not extended, it may be counted only in the sole and absolute discretion of the Bank. Additionally, the following Class 4C Ballots will not be counted:
- (a) any Class 4C Ballot that partially rejects and partially accepts the Plan;
  - (b) Class 4C Ballots sent to the Debtor, the Debtor's agents (other than the Voting and Claims Agent), or the Debtor's financial or legal advisors;
  - (c) Class 4C Ballots sent by facsimile;
  - (d) any Class 4C Ballot that is illegible or contains insufficient information to permit the identification of the Holder of the Claim;
  - (e) any Class 4C Ballot cast by an Entity that does not hold a Claim in such Class;

- (f) any Class 4C Ballot submitted by a Holder not entitled to vote pursuant to the Plan;
- (g) any unsigned Class 4C Ballot;
- (h) any non-original Class 4C Ballot; and/or
- (i) any Class 4C Ballot not marked to accept or reject the Plan or any Class 4C Ballot marked both to accept and reject the Plan.

- 31. The method of delivery of Class 4C Ballot to the Voting and Claims Agent is at the election and risk of each Holder of a Convenience Claim. Except as otherwise provided herein, such delivery will be deemed made only when the Voting and Claims Agent actually receives the originally executed Class 4C Ballot. In all cases, Holders should allow sufficient time to assure timely delivery.
- 32. If multiple Class 4C Ballots are received from the same Holder of a Convenience Claim with respect to the same Unsecured Claim prior to the Voting Deadline, the latest, timely received, and properly completed Class 4C Ballot will supersede and revoke any earlier received Class 4C Ballots.
- 33. You must vote all of your Convenience Claims within Class 4C either to accept or reject the Plan and may not split your vote. Further, if a Holder has multiple Convenience Claims within Class 4C, the Debtor may, in their discretion, aggregate the Claims of any particular Holder with multiple Convenience Claims within Class 4C for the purpose of counting votes.
- 34. This Class 4C Ballot does not constitute, and shall not be deemed to be, (a) a Proof of Claim or (b) an assertion or admission of a Claim.
- 35. Please be sure to sign and date your Class 4C Ballot. If you are signing a Class 4C Ballot in your capacity as a trustee, executor, administrator, guardian, attorney in fact, officer of a corporation, or otherwise acting in a fiduciary or representative capacity, you must indicate such capacity when signing and, if required or requested by the Voting and Claims Agent, the Debtor, or the Bankruptcy Court, must submit proper evidence to the requesting party to so act on behalf of such Holder. In addition, please provide your name and mailing address if it is different from that set forth on the attached mailing label or if no such mailing label is attached to the Class 4C Ballot.
- 36. If you hold Claims in more than one Class under the Plan you may receive more than one ballot coded for each different Class. Each ballot votes only your Claims indicated on that ballot, so please complete and return each ballot that you received.

**PLEASE SUBMIT YOUR CLASS 4C BALLOT PROMPTLY**

**IF YOU HAVE ANY QUESTIONS REGARDING THIS CLASS 4C BALLOT, THESE VOTING INSTRUCTIONS OR THE PROCEDURES FOR VOTING, PLEASE EMAIL: JSULLIVAN@WINDELSMARX.COM.**

**IF THE VOTING AND CLAIMS AGENT DOES NOT ACTUALLY RECEIVE THIS CLASS 4C BALLOT ON OR BEFORE THE VOTING DEADLINE, WHICH IS ON AUGUST 18, 2023, AT 4:00 P.M., PREVAILING EASTERN TIME, (AND IF THE VOTING DEADLINE IS NOT EXTENDED), YOUR VOTE TRANSMITTED HEREBY MAY BE COUNTED ONLY IN THE DISCRETION OF THE BANK.**

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**EXHIBIT 3**

**NON-IMPAIRED NON-VOTING STATUS NOTICE**

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X

In re:

Chapter 11

EAST BROADWAY MALL,

Case No. 19-12280 -DSJ

Debtor.

-----X

**NOTICE OF NON-VOTING STATUS TO HOLDER OF UNIMPAIRED CLAIMS  
CONCLUSIVELY PRESUMED TO ACCEPT THE PLAN**

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**PLEASE TAKE NOTICE THAT** on July 6, 2023, the United States Bankruptcy Court for the Southern District of New York (the “**Court**”) entered an order (the “**Disclosure Statement Order**”), (a) authorizing Bank of Hope f/k/a BBCN Bank (“**Bank of Hope**” or “**Bank**”), secured creditor for the chapter 11 estate (the “**Estate**”) of the above-captioned debtor, East Broadway Mall (“**Debtor**” or “**EBM**”) to solicit acceptances for the *Chapter 11 Plan of Liquidation* (as may be modified, amended, or supplemented from time to time, the “**Plan**”);<sup>1</sup> (b) approving the *Disclosure Statement for the Chapter 11 Plan of Liquidation* (the “**Disclosure Statement**”) as containing “adequate information” pursuant to section 1125 of the Bankruptcy Code; (c) approving the solicitation materials and documents to be included in the solicitation packages (the “**Solicitation Packages**”); and (d) approving procedures for soliciting, receiving, and tabulating votes on the Plan and for filing objections to the Plan.

**PLEASE TAKE FURTHER NOTICE THAT** because of the nature and treatment of your Claim under the Plan, **you are not entitled to vote on the Plan**. Specifically, under the terms of the Plan, as a Holder of a Claim or Interest (as currently asserted against the Debtor) that is not impaired and conclusively presumed to have accepted the Plan pursuant to section 1126(f) of the Bankruptcy Code, you are **not** entitled to vote on the Plan.

**PLEASE TAKE FURTHER NOTICE THAT** the hearing at which the Court will consider Confirmation of the Plan (the “**Plan Confirmation Hearing**”) will commence on **September 12, 2023, at 10:00 a.m.** prevailing Eastern Time, before the Honorable David S. Jones, in the United States Bankruptcy Court for the Southern District of New York, located at 1 Bowling Green, New York, NY 10004.

**PLEASE TAKE FURTHER NOTICE THAT** the deadline for filing objections to the Plan is **August 18, 2023** (the “**Plan Objection Deadline**”). Any objection to the Plan **must**: (a) be in writing; (b) conform to the Bankruptcy Rules, the Local Rules, and any orders of the Court; (c) state, with particularity, the basis and nature of any objection to the Plan and, if practicable, a

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<sup>1</sup> Capitalized terms not otherwise defined herein shall have the same meanings set forth in the Disclosure Statement.

proposed modification to the Plan that would resolve such objection; and (d) be filed with the Court (contemporaneously with a proof of service) and served upon the following parties so as to be actually received on or before **August 18, 2023**:

WINDELS MARX LANE & MITTENDORF LLP Counsel to the Bank of Hope James M. Sullivan 156 West 56th Street New York, New York 10019 (212) 237-1170	SFERRAZZA & KEENAN PLLC Counsel to the Debtor and Debtor In Possession Sarah M. Keenan 532 Broadhollow Road, Suite 111 Melville, New York 11747 (631) 753-4400 ext. 23
CORPORATION COUNSEL OF THE CITY OF NEW YORK Zachary B. Kass Senior Counsel 100 Church Street New York, New York 10007 (212) 356-2113	U.S. Department of Justice Office of the United States Trustee – NY Office Alexander Hamilton Custom House One Bowling Green, Room 534 New York, New York 10004-1408
LAW OFFICE OF RACHEL S. BLUMENFELD PLLC Counsel to Grace Chan Rachel S. Blumenfeld 26 Court Street, Suite 2220 Brooklyn, New York 11242 (718)858-9600	

**PLEASE TAKE FURTHER NOTICE THAT** if you would like to obtain a copy of the Disclosure Statement, the Plan, the Plan Supplement, or related documents, you should contact Windels Marx Lane & Mittendorf, LLP, counsel for Bank of Hope, the voting and claims agent in the Chapter 11 Case (the “**Voting and Claims Agent**”), by: (a) writing Bank of Hope f/k/a BBCN Bank (the “**Voting and Claims Agent**”) at no charge by: (i) writing Windels Marx Lane & Mittendorf, LLP Re: East Broadway Mall, 156 West 56<sup>th</sup> Street, New York, NY 10019; or (ii) via electronic mail to [JSullivan@Windelsmarx.com](mailto:JSullivan@Windelsmarx.com). You may also obtain copies of any pleadings filed in the Chapter 11 case for a fee via PACER at: <http://www.nysb.uscourts.gov>.

**This Notice is being sent to you for informational purposes only. If you have questions with respect to your rights under the Plan or about anything stated herein or if you would like to obtain additional information, contact the Voting and Claims Agent.**

Dated: [●], 2023  
New York, New York

/s/ DRAFT

James M. Sullivan ([jsullivan@windelsmarx.com](mailto:jsullivan@windelsmarx.com))

Robert J. Malatak ([rmalatak@windelsmarx.com](mailto:rmalatak@windelsmarx.com))

WINDELS MARX LANE & MITTENDORF, LLP

156 West 56th Street

New York, New York 10019

Tel: (212) 237-1000

Fax: (212) 262-1215

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**EXHIBIT 4**

**IMPAIRED NON-VOTING STATUS NOTICE**

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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In re:

Chapter 11

EAST BROADWAY MALL,

Case No. 19-12280 -DSJ

Debtor.

-----X

**NOTICE OF NON-VOTING STATUS TO HOLDERS OF IMPAIRED CLAIMS AND  
EQUITY INTERESTS DEEMED TO REJECT THE PLAN**

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**PLEASE TAKE NOTICE THAT** on July 6, 2023, the United States Bankruptcy Court for the Southern District of New York (the “**Court**”) entered an order (the “**Disclosure Statement Order**”), (a) authorizing Bank of Hope f/k/a BBCN Bank (“**Bank of Hope**” or “**Bank**”), secured creditor for the chapter 11 estate (the “**Estate**”) of the above-captioned debtor, East Broadway Mall (“**Debtor**” or “**EBM**”) to solicit acceptances for the *Chapter 11 Plan of Liquidation* (as may be modified, amended, or supplemented from time to time, the “**Plan**”);<sup>1</sup> (b) approving the *Disclosure Statement for the Chapter 11 Plan of Liquidation* (the “**Disclosure Statement**”) as containing “adequate information” pursuant to section 1125 of the Bankruptcy Code; (c) approving the solicitation materials and documents to be included in the solicitation packages (the “**Solicitation Packages**”); and (d) approving procedures for soliciting, receiving, and tabulating votes on the Plan and for filing objections to the Plan.

**PLEASE TAKE FURTHER NOTICE THAT** because of the nature and treatment of your Claim under the Plan, **you are not entitled to vote on the Plan**. Specifically, under the terms of the Plan, as a Holder of a Claim or Interest (as currently asserted against the Debtor) that is not impaired and conclusively presumed to have accepted the Plan pursuant to section 1126(f) of the Bankruptcy Code, you are **not** entitled to vote on the Plan.

**PLEASE TAKE FURTHER NOTICE THAT** the hearing at which the Court will consider Confirmation of the Plan (the “**Plan Confirmation Hearing**”) will commence on **September 12, 2023, at 10:00 a.m.** prevailing Eastern Time, before the Honorable David S. Jones, in the United States Bankruptcy Court for the Southern District of New York, located at 1 Bowling Green, New York, NY 10004.

**PLEASE TAKE FURTHER NOTICE THAT** the deadline for filing objections to the Plan is **August 18, 2023** (the “**Plan Objection Deadline**”). Any objection to the Plan **must**: (a) be in writing; (b) conform to the Bankruptcy Rules, the Local Rules, and any orders of the Court; (c) state, with particularity, the basis and nature of any objection to the Plan and, if practicable, a

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<sup>1</sup> Capitalized terms not otherwise defined herein shall have the same meanings set forth in the Disclosure Statement.

proposed modification to the Plan that would resolve such objection; and (d) be filed with the Court (contemporaneously with a proof of service) and served upon the following parties so as to be **actually received** on or before **August 18, 2023**:

WINDELS MARX LANE & MITTENDORF LLP Counsel to the Bank of Hope James M. Sullivan 156 West 56th Street New York, New York 10019 (212) 237-1170	SFERRAZZA & KEENAN PLLC Counsel to the Debtor and Debtor In Possession Sarah M. Keenan 532 Broadhollow Road, Suite 111 Melville, New York 11747 (631) 753-4400 ext. 23
CORPORATION COUNSEL OF THE CITY OF NEW YORK Zachary B. Kass Senior Counsel 100 Church Street New York, New York 10007 (212) 356-2113	U.S. Department of Justice Office of the United States Trustee – NY Office Alexander Hamilton Custom House One Bowling Green, Room 534 New York, New York 10004-1408
LAW OFFICE OF RACHEL S. BLUMENFELD PLLC Counsel to Grace Chan Rachel S. Blumenfeld 26 Court Street, Suite 2220 Brooklyn, New York 11242 (718)858-9600	

**PLEASE TAKE FURTHER NOTICE THAT** if you would like to obtain a copy of the Disclosure Statement, the Plan, the Plan Supplement, or related documents, you should contact Windels Marx Lane & Mittendorf, LLP, counsel for Bank of Hope, the voting and claims agent in the Chapter 11 Case (the “**Voting and Claims Agent**”), by: (a) writing Bank of Hope f/k/a BBCN Bank (the “**Voting and Claims Agent**”) at no charge by: (i) writing Windels Marx Lane & Mittendorf, LLP Re: East Broadway Mall, 156 West 56<sup>th</sup> Street, New York, NY 10019; or (ii) via electronic mail to [JSullivan@Windelsmarx.com](mailto:JSullivan@Windelsmarx.com). You may also obtain copies of any pleadings filed in the Chapter 11 case for a fee via PACER at: <http://www.nysb.uscourts.gov>.

**This Notice is being sent to you for informational purposes only. If you have questions with respect to your rights under the Plan or about anything stated herein or if you would like to obtain additional information, contact the Voting and Claims Agent.**

Dated: [●], 2023  
New York, New York

/s/ DRAFT

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James M. Sullivan ([jsullivan@windelsmarx.com](mailto:jsullivan@windelsmarx.com))  
Robert J. Malatak ([rmalatak@windelsmarx.com](mailto:rmalatak@windelsmarx.com))  
WINDELS MARX LANE & MITTENDORF, LLP  
156 West 56th Street  
New York, New York 10019  
Tel: (212) 237-1000  
Fax: (212) 262-1215

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**EXHIBIT 5**

**NOTICE TO DISPUTED CLAIM HOLDERS**

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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In re:

Chapter 11

EAST BROADWAY MALL,

Case No. 19-12280 -DSJ

Debtor.

-----X

**NOTICE OF NON-VOTING STATUS WITH RESPECT TO DISPUTED CLAIMS**

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**PLEASE TAKE NOTICE THAT** on July 6, 2023, the United States Bankruptcy Court for the Southern District of New York (the “**Court**”) entered an order (the “**Disclosure Statement Order**”), (a) authorizing Bank of Hope f/k/a BBCN Bank (“**Bank of Hope**” or “**Bank**”), secured creditor for the chapter 11 estate (the “**Estate**”) of the above-captioned debtor, East Broadway Mall (“**Debtor**” or “**EBM**”) to solicit acceptances for the *Chapter 11 Plan of Liquidation* (as may be modified, amended, or supplemented from time to time, the “**Plan**”);<sup>1</sup> (b) approving the *Disclosure Statement for the Chapter 11 Plan of Liquidation* (the “**Disclosure Statement**”) as containing “adequate information” pursuant to section 1125 of the Bankruptcy Code; (c) approving the solicitation materials and documents to be included in the solicitation packages (the “**Solicitation Packages**”); and (d) approving procedures for soliciting, receiving, and tabulating votes on the Plan and for filing objections to the Plan.

**PLEASE TAKE FURTHER NOTICE THAT** the Disclosure Statement, Disclosure Statement Order, the Plan, and other documents and materials included in the Solicitation Package, except ballots, may be obtained at no charge from Windels Marx Lane & Mittendorf, LLP, the voting and claims agent retained by the Bank in the Chapter 11 Case (the “**Voting and Claims Agent**”) at no charge by: (i) writing Windels Marx Lane & Mittendorf, LLP Re: East Broadway Mall, 156 West 56<sup>th</sup> Street, New York, NY 10019; or (ii) via electronic mail to [JSullivan@Windelsmarx.com](mailto:JSullivan@Windelsmarx.com). You may also obtain copies of any pleadings filed in the Chapter 11 Case for a fee via PACER at: <http://www.nysb.uscourts.gov>.

**PLEASE TAKE FURTHER NOTICE THAT** you are receiving this notice because you are the Holder of a Claim that is subject to a pending objection. **You are not entitled to vote any disputed portion of your Claim on the Plan unless one or more of the following events have taken place before a date that is three business days before the Voting Deadline** (each, a “**Resolution Event**”):

1. an order of the Court is entered allowing such Claim pursuant to section 502(b) of the Bankruptcy Code, after notice and a hearing;

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<sup>1</sup> Capitalized terms not otherwise defined herein shall have the same meanings set forth in the Disclosure Statement.

2. an order of the Court is entered temporarily allowing such Claim for voting purposes only pursuant to Bankruptcy Rule 3018(a), after notice and a hearing;
3. a stipulation or other agreement is executed between the Holder of such Claim and the Bank temporarily allowing the Holder of such Claim to vote its Claim in an agreed upon amount; or
4. the pending objection to such Claim is voluntarily withdrawn by the Bank.

Accordingly, this notice and the *Notice of Entry of Order Approving (I) Adequacy of the Disclosure Statement, (II) the Solicitation and Notice Procedures, (III) Form of Ballots and Notices in Connection Therewith, and (IV) Certain Dates with Respect Thereto* are being sent to you for informational purposes only.

**PLEASE TAKE FURTHER NOTICE THAT** if a Resolution Event occurs, then no later than one business day thereafter, the Voting and Claims Agent shall distribute a ballot, and a pre-addressed, postage pre-paid envelope to you, which must be returned to the Voting and Claims Agent no later than the Voting Deadline, which is on **August 18, 2023** at 4:00 p.m., prevailing Eastern Time.

**PLEASE TAKE FURTHER NOTICE THAT** if you have any questions about the status of any of your Claims, you should contact the Voting and Claims Agent in accordance with the instructions provided above.

Dated: [●], 2023  
New York, New York

/s/ DRAFT  
James M. Sullivan ([jsullivan@windelsmarx.com](mailto:jsullivan@windelsmarx.com))  
Robert J. Malatak ([rmalatak@windelsmarx.com](mailto:rmalatak@windelsmarx.com))  
WINDELS MARX LANE & MITTENDORF, LLP  
156 West 56th Street  
New York, New York 10019  
Tel: (212) 237-1000  
Fax: (212) 262-1215

**EXHIBIT 6**

**COVER LETTER**



[LETTERHEAD]

[DATE]

Via First Class Mail

**RE: In re East Broadway Mall**  
Chapter 11 Case No. 19-12280 (DSJ)

TO ALL HOLDERS OF CLAIMS ENTITLED TO VOTE ON THE PLAN:

East Broadway Mall (the “**Debtor**”) filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code in the United States Bankruptcy Court for the Southern District of New York (the “**Court**”) on July 12, 2019.

You have received this letter and the enclosed materials because you are entitled to vote on the Joint Chapter 11 Plan of East Broadway Mall (as may be modified, amended, or supplemented from time to time, the “**Plan**”).<sup>1</sup> On July 6, 2023, the Court entered an order (the “**Disclosure Statement Order**”), (a) authorizing the Bank of Hope f/k/a BBCN Bank (“**Bank of Hope**” or the “**Bank**”) secured creditor for the chapter 11 estate (the “**Estate**”) of the above-captioned Debtor to solicit acceptances for the Plan; (b) approving the Disclosure Statement for the Chapter 11 Plan of East Broadway Mall (the “**Disclosure Statement**”) as containing “adequate information” pursuant to section 1125 of the Bankruptcy Code; (c) approving the solicitation materials and documents to be included in the solicitation packages (the “**Solicitation Package**”); and (d) approving procedures for soliciting, receiving, and tabulating votes on the Plan, and for filing objections to the Plan.

**You are receiving this letter because you are entitled to vote on the Plan. Therefore, you should read this letter carefully and discuss it with your attorney. If you do not have an attorney, you may wish to consult one.**

In addition to this cover letter, the enclosed materials comprise your Solicitation Package, and were approved by the Court for distribution to Holders of Claims in connection with the solicitation of votes to accept the Plan. The Solicitation Package consists of the following:

- a. a copy of the Solicitation and Voting Procedures;
- b. a Ballot, together with detailed voting instructions and a pre-addressed, postage pre-paid return envelope;
- c. this letter;

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<sup>1</sup> Capitalized terms used but not otherwise defined herein shall have the meanings set forth in the Disclosure Statement.

- d. the Disclosure Statement (and exhibits thereto, including the Plan);
- e. the Order (without exhibits, except the Solicitation and Voting Procedures);
- f. the Confirmation Hearing Notice; and
- g. such other materials as the Court may direct.

The Bank has approved the filing of the Plan and the solicitation of votes to accept the Plan. The Bank believes that the acceptance of the Plan is in the best interests of the Estate, Holders of Claims, and all other parties in interest. Moreover, the Bank believes that any alternative other than Confirmation of the Plan could result in extensive delays and increased administrative expenses, which, in turn, likely would result in smaller distributions (or no distributions) on account of Claims asserted in the Chapter 11 case.

**The Bank strongly urge you to properly and timely submit your Ballot casting a vote to accept the Plan in accordance with the instructions in your Ballot.**

**The Voting Deadline is August 18, 2023, at 4:00 p.m. Prevailing Eastern Time.**

The materials in the Solicitation Package are intended to be self-explanatory. If you should have any questions, however, please feel free to contact Windels Marx Lane & Mittendorf, LLP, the voting and claims agent retained by the Bank in the Chapter 11 Case (the “**Voting and Claims Agent**”), by: (i) writing Windels Marx Lane & Mittendorf, LLP Re: East Broadway Mall, 156 West 56<sup>th</sup> Street, New York, NY 10019; or (ii) via electronic mail to [JSullivan@Windelsmarx.com](mailto:JSullivan@Windelsmarx.com). You may also obtain copies of any pleadings filed in these chapter 11 cases for a fee via PACER at: <http://www.nysb.uscourts.gov>. Please be advised that the Voting and Claims Agent is authorized to answer questions about, and provide additional copies of solicitation materials, but may not advise you as to whether you should vote to accept or reject the Plan.

Sincerely,

/s/ James M. Sullivan

James M. Sullivan ([jsullivan@windelsmarx.com](mailto:jsullivan@windelsmarx.com))

Robert J. Malatak ([rmalatak@windelsmarx.com](mailto:rmalatak@windelsmarx.com))

WINDELS MARX LANE & MITTENDORF, LLP

156 West 56th Street

New York, New York 10019

Tel: (212) 237-1000 / Fax: (212) 262-1215

*Attorneys for Bank of Hope*

**EXHIBIT 7**

**PLAN CONFIRMATION HEARING NOTICE**

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X

In re:

Chapter 11

EAST BROADWAY MALL,

Case No. 19-12280 -DSJ

Debtor.

-----X

**NOTICE OF HEARING TO CONSIDER CONFIRMATION OF THE CHAPTER 11  
PLAN FILED BY THE DEBTOR AND RELATED VOTING AND OBJECTION  
DEADLINES**

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**PLEASE TAKE NOTICE THAT** on July 6, 2023, the United States Bankruptcy Court for the Southern District of New York (the “**Court**”) entered an order (the “**Disclosure Statement Order**”), (a) authorizing Bank of Hope f/k/a BBCN Bank (“**Bank of Hope**” or “**Bank**”), secured creditor for the chapter 11 estate (the “**Estate**”) of the above-captioned debtor, East Broadway Mall (“**Debtor**” or “**EBM**”) to solicit acceptances for the *Chapter 11 Plan of Liquidation* (as may be modified, amended, or supplemented from time to time, the “**Plan**”);<sup>1</sup> (b) approving the *Disclosure Statement for the Chapter 11 Plan of Liquidation* (the “**Disclosure Statement**”) as containing “adequate information” pursuant to section 1125 of the Bankruptcy Code; (c) approving the solicitation materials and documents to be included in the solicitation packages (the “**Solicitation Packages**”); and (d) approving procedures for soliciting, receiving, and tabulating votes on the Plan and for filing objections to the Plan.

**PLEASE TAKE FURTHER NOTICE THAT** the hearing at which the Court will consider Confirmation of the Plan (the “**Plan Confirmation Hearing**”) will commence on **September 12, 2023 at 10:00 a.m.** prevailing Eastern Time, before the Honorable David S. Jones, in the United States Bankruptcy Court for the Southern District of New York, located at One Bowling Green New York, NY 10004.

<p><b>Please be Advised: The Plan Confirmation Hearing may be continued from time to time by the Court or the Bank without further notice other than by such adjournment being announced in open court or by a Notice of Adjournment Filed with the Court and served on all parties entitled to notice.</b></p>
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**CRITICAL INFORMATION REGARDING VOTING ON THE PLAN**

**Voting Record Date.** The voting record date is **May 30, 2023** (the “**Voting Record Date**”), which is the date for determining which Holders of Claims in the Voting Classes are entitled to vote on the Plan.

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<sup>1</sup> Capitalized terms not otherwise defined herein shall have the same meanings set forth in the Disclosure Statement.

**Voting Deadline.** The deadline for voting on the Plan is on **August 18, 2023, at 4:00 p.m.** prevailing Eastern Time (the “**Voting Deadline**”). If you received a Solicitation Package, including a Ballot and intend to vote on the Plan you must: (a) follow the instructions carefully; (b) complete all of the required information on the ballot; and (c) execute and return your completed Ballot according to and as set forth in detail in the voting instructions so that it is actually received by the Bank’s voting and claims agent, Windels Marx Lane & Mittendorf, LLP (the “**Voting and Claims Agent**”) on or before the Voting Deadline. A failure to follow such instructions may disqualify your vote.

**CRITICAL INFORMATION REGARDING OBJECTING TO THE PLAN**

Binding nature of the Plan:

If confirmed, the Plan will bind all Holders of Claims or Interests to the maximum extent permitted by applicable law, whether or not such Holder will receive or retain any property or interest in property under the Plan, has filed a Proof of Claim in the Chapter 11 Case, or failed to vote to accept or reject the Plan or voted to reject the Plan.

**Plan Objection Deadline.** The deadline for filing objections to the Plan is **August 18, 2023, at 4:00 p.m.** prevailing Eastern Time (the “**Plan Objection Deadline**”). All objections to the relief sought at the Plan Confirmation Hearing **must**: (a) be in writing; (b) conform to the Bankruptcy Rules, the Local Rules, and any orders of the Court; (c) state, with particularity, the legal and factual basis for the objection and, if practicable, a proposed modification to the Plan (or related materials) that would resolve such objection; **and** (d) be filed with the Court (contemporaneously with a proof of service) and served upon the following parties so as to be **actually received** on or before **August 18, 2023, at 4:00 p.m.** prevailing Eastern Time:

WINDELS MARX LANE & MITTENDORF LLP Counsel to the Bank of Hope James M. Sullivan 156 West 56th Street New York, New York 10019 (212) 237-1170	SFERRAZZA & KEENAN PLLC Counsel to the Debtor and Debtor In Possession Sarah M. Keenan 532 Broadhollow Road, Suite 111 Melville, New York 11747 (631) 753-4400 ext. 23
CORPORATION COUNSEL OF THE CITY OF NEW YORK Zachary B. Kass Senior Counsel 100 Church Street New York, New York 10007 (212) 356-2113	U.S. Department of Justice Office of the United States Trustee – NY Office Alexander Hamilton Custom House One Bowling Green, Room 534 New York, New York 10004-1408

LAW OFFICE OF RACHEL S. BLUMENFELD PLLC Counsel to Grace Chan Rachel S. Blumenfeld 26 Court Street, Suite 2220 Brooklyn, New York 11242 (718)858-9600	
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**ADDITIONAL INFORMATION**

**Obtaining Solicitation Materials.** The materials in the Solicitation Package are intended to be self-explanatory. If you should have any questions or if you would like to obtain additional solicitation materials (or paper copies of solicitation materials if you received a CD-ROM or flash drive), please feel free to contact the Bank's Voting and Claims Agent, by: (i) writing Windels Marx Lane & Mitterdorf, LLP Re: East Broadway Mall, 156 West 56<sup>th</sup> Street, New York, NY 10019; or (ii) via electronic mail to [JSullivan@Windelsmarx.com](mailto:JSullivan@Windelsmarx.com). You may also obtain copies of any pleadings filed in these chapter 11 cases for a fee via PACER at: <http://www.nysb.uscourts.gov>. Please be advised that the Voting and Claims Agent is authorized to answer questions about, and provide additional copies of, solicitation materials, but may not advise you as to whether you should vote to accept or reject the Plan.

**Filing the Plan Supplement.** The Bank will file the Plan Supplement (as defined in the Plan) no later than five days prior to the Voting Deadline and will serve notice on all Holders of Claims entitled to vote on the Plan, which will: (a) inform parties that the Bank filed the Plan Supplement; (b) list the information contained in the Plan Supplement; and (c) explain how parties may obtain copies of the Plan Supplement.

Dated: [●], 2023  
New York, New York

/s/ DRAFT  
James M. Sullivan ([jsullivan@windelsmarx.com](mailto:jsullivan@windelsmarx.com))  
Robert J. Malatak ([rmalatak@windelsmarx.com](mailto:rmalatak@windelsmarx.com))  
WINDELS MARX LANE & MITTENDORF, LLP  
156 West 56th Street  
New York, New York 10019  
Tel: (212) 237-1000  
Fax: (212) 262-1215

**EXHIBIT 8**

**PLAN SUPPLEMENT NOTICE**

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X

In re:

Chapter 11

EAST BROADWAY MALL,

Case No. 19-12280 -DSJ

Debtor.

-----X

**NOTICE OF FILING PLAN SUPPLEMENT**

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**PLEASE TAKE NOTICE THAT** on July 6, 2023, the United States Bankruptcy Court for the Southern District of New York (the “**Court**”) entered an order (the “**Disclosure Statement Order**”), (a) authorizing Bank of Hope f/k/a BBCN Bank (“**Bank of Hope**” or “**Bank**”), secured creditor for the chapter 11 estate (the “**Estate**”) of the above-captioned debtor, East Broadway Mall (“**Debtor**” or “**EBM**”) to solicit acceptances for the *Chapter 11 Plan of Liquidation* (as may be modified, amended, or supplemented from time to time, the “**Plan**”);<sup>1</sup> (b) approving the *Disclosure Statement for the Chapter 11 Plan of Liquidation* (the “**Disclosure Statement**”) as containing “adequate information” pursuant to section 1125 of the Bankruptcy Code; (c) approving the solicitation materials and documents to be included in the solicitation packages (the “**Solicitation Packages**”); and (d) approving procedures for soliciting, receiving, and tabulating votes on the Plan and for filing objections to the Plan.

**PLEASE TAKE FURTHER NOTICE THAT** as contemplated by the Plan and the Disclosure Statement Order approving the Disclosure Statement, the Bank filed the Plan Supplement with the Court on [●], 2023 [Docket No. [●]].

**PLEASE TAKE FURTHER NOTICE THAT** the hearing at which the Court will consider Confirmation of the Plan (the “**Plan Confirmation Hearing**”) will commence on **September 12, 2023 at 10:00 a.m.** prevailing Eastern Time, before the Honorable David S. Jones, in the United States Bankruptcy Court for the Southern District of New York, located at One Bowling Green New York, NY 10004.

**PLEASE TAKE FURTHER NOTICE THAT** the deadline for filing objections to the Plan is **August 18, 2023, at 4:00 p.m.** prevailing Eastern Time (the “**Plan Objection Deadline**”). Any objection to the Plan must: (a) be in writing; (b) conform to the Bankruptcy Rules, the Local Rules, and any orders of the Court; (c) state, with particularity, the basis and nature of any objection to the Plan and, if practicable, a proposed modification to the Plan that would resolve such objection; and (d) be filed with the Court (contemporaneously with a proof of service) and served

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<sup>1</sup> Capitalized terms not otherwise defined herein shall have the same meanings set forth in the Disclosure Statement.



upon the following parties so as to be actually received on or before **August 18, 2023, at 4:00 p.m.** prevailing Eastern Time:

<p>WINDELS MARX LANE &amp; MITTENDORF LLP Counsel to the Bank of Hope James M. Sullivan 156 West 56th Street New York, New York 10019 (212) 237-1170</p>	<p>SFERRAZZA &amp; KEENAN PLLC Counsel to the Debtor and Debtor In Possession Sarah M. Keenan 532 Broadhollow Road, Suite 111 Melville, New York 11747 (631) 753-4400 ext. 23</p>
<p>CORPORATION COUNSEL OF THE CITY OF NEW YORK Zachary B. Kass Senior Counsel 100 Church Street New York, New York 10007 (212) 356-2113</p>	<p>U.S. Department of Justice Office of the United States Trustee – NY Office Alexander Hamilton Custom House One Bowling Green, Room 534 New York, New York 10004-1408</p>
<p>LAW OFFICE OF RACHEL S. BLUMENFELD PLLC Counsel to Grace Chan Rachel S. Blumenfeld 26 Court Street, Suite 2220 Brooklyn, New York 11242 (718)858-9600</p>	

**PLEASE TAKE FURTHER NOTICE THAT** if you would like to obtain a copy of the Disclosure Statement, the Plan, the Plan Supplement, or related documents, you should contact Windels Marx Lane & Mittendorf, LLP, the voting and claims agent retained by the Bank in the Chapter 11 Case (the “**Voting and Claims Agent**”), by: (i) writing Windels Marx Lane & Mittendorf, LLP Re: East Broadway Mall, 156 West 56<sup>th</sup> Street, New York, NY 10019; or (ii) via electronic mail to [JSullivan@Windelsmarx.com](mailto:JSullivan@Windelsmarx.com). You may also obtain copies of any pleadings filed in these chapter 11 cases for a fee via PACER at: <http://www.nysb.uscourts.gov>.

Dated: [●], 2023  
New York, New York

/s/ DRAFT  
James M. Sullivan ([jsullivan@windelsmarx.com](mailto:jsullivan@windelsmarx.com))  
Robert J. Malatak ([rmalatak@windelsmarx.com](mailto:rmalatak@windelsmarx.com))  
WINDELS MARX LANE & MITTENDORF, LLP  
156 West 56th Street  
New York, New York 10019  
Tel: (212) 237-1000

Fax: (212) 262-1215

*[Remainder of page intentionally left blank]*

**EXHIBIT 9**

**NOTICE OF ASSUMPTION OF EXECUTORY CONTRACTS AND UNEXPIRED  
LEASES**

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X

In re:

Chapter 11

EAST BROADWAY MALL,

Case No. 19-12280 -DSJ

Debtor.

-----X

**NOTICE OF ASSUMPTION OF EXECUTORY CONTRACTS AND UNEXPIRED  
LEASES**

**PLEASE TAKE NOTICE THAT** on July 6, 2023, the United States Bankruptcy Court for the Southern District of New York (the “**Court**”) entered an order (the “**Disclosure Statement Order**”), (a) authorizing Bank of Hope f/k/a BBCN Bank (“**Bank of Hope**” or “**Bank**”), secured creditor for the chapter 11 estate (the “**Estate**”) of the above-captioned debtor, East Broadway Mall (“**Debtor**” or “**EBM**”) to solicit acceptances for the *Chapter 11 Plan of Liquidation* (as may be modified, amended, or supplemented from time to time, the “**Plan**”);<sup>1</sup> (b) approving the *Disclosure Statement for the Chapter 11 Plan of Liquidation* (the “**Disclosure Statement**”) as containing “adequate information” pursuant to section 1125 of the Bankruptcy Code; (c) approving the solicitation materials and documents to be included in the solicitation packages (the “**Solicitation Packages**”); and (d) approving procedures for soliciting, receiving, and tabulating votes on the Plan and for filing objections to the Plan.

**PLEASE TAKE FURTHER NOTICE THAT** the Bank filed the Schedule of Assumed Executory Contracts and Unexpired Leases (the “**Assumption Schedule**”) with the Court as part of the Plan Supplement on [●], 2023, as contemplated under the Plan. The determination to assume the agreements identified on the Assumption Schedule was made as of [●], 2023 and is subject to revision.

**PLEASE TAKE FURTHER NOTICE THAT** the hearing at which the Court will consider Confirmation of the Plan (the “**Plan Confirmation Hearing**”) will commence on **September 12, 2023 at 10:00 a.m.** prevailing Eastern Time, before the Honorable David S. Jones, in the United States Bankruptcy Court for the Southern District of New York, located at One Bowling Green New York, NY 10004.

**PLEASE TAKE FURTHER NOTICE THAT** you are receiving this notice because the Debtor’s records reflect that you are a party to a contract that is listed on the Assumption Schedule. Therefore, you are advised to review carefully the information contained in this notice and the related provisions of the Plan, including the Assumption Schedule.

<sup>1</sup> Capitalized terms not otherwise defined herein shall have the same meanings set forth in the Disclosure Statement.

**PLEASE TAKE FURTHER NOTICE** that the Bank are proposing to assume the Executory Contract(s) and Unexpired Lease(s) listed on **Exhibit A**, attached hereto, to which you are a party.

**PLEASE TAKE FURTHER NOTICE THAT** section 365(b)(1) of the Bankruptcy Code requires a chapter 11 debtor to cure, or provide adequate assurance that it will promptly cure, any defaults under executory contracts and unexpired leases at the time of assumption. Accordingly, the Debtor have conducted a thorough review of their books and records and have determined the amounts required to cure defaults, if any, under the Executory Contract(s) and Unexpired Lease(s), which amounts are listed on **Exhibit A** attached hereto. Please note that if no amount is stated for a particular Executory Contract or Unexpired Lease, the Bank believes that there is no cure amount outstanding for such contract or lease.

**PLEASE TAKE FURTHER NOTICE THAT** absent any pending dispute, the monetary amounts required to cure any existing defaults arising under the Executory Contract(s) and Unexpired Lease(s) identified above will be satisfied, pursuant to section 365(b)(1) of the Bankruptcy Code, by the Bank in cash on the Effective Date. In the event of a dispute, however, payment of the cure amount would be made following the entry of a final order(s) resolving the dispute and approving the assumption. Any objection by a contract or lease counterparty to a proposed assumption or related Cure Cost must be filed, served, and actually received by the Bank by the date on which objections to confirmation are due (or such other date as may be provided in the applicable assumption notice). Any counterparty to an Executory Contract or Unexpired Lease that fails to object timely to the proposed assumption or Cure Cost will be deemed to have assented to such assumption or Cure Cost.

**PLEASE TAKE FURTHER NOTICE THAT** the deadline for filing objections to the Plan is **August 18, 2023, at 4:00 p.m.** prevailing Eastern Time (the “**Plan Objection Deadline**”). Any objection to the Plan **must**: (a) be in writing; (b) conform to the Bankruptcy Rules, the Local Rules, and any orders of the Court; (c) state, with particularity, the basis and nature of any objection to the Plan and, if practicable, a proposed modification to the Plan that would resolve such objection; and (d) be filed with the Court (contemporaneously with a proof of service) and served upon the following parties so as to be **actually received** on or before **August 18, 2023, at 4:00 p.m.** prevailing Eastern Time:

WINDELS MARX LANE & MITTENDORF LLP Counsel to the Bank of Hope James M. Sullivan 156 West 56th Street New York, New York 10019 (212) 237-1170	SFERRAZZA & KEENAN PLLC Counsel to the Debtor and Debtor In Possession Sarah M. Keenan 532 Broadhollow Road, Suite 111 Melville, New York 11747 (631) 753-4400 ext. 23
CORPORATION COUNSEL OF THE CITY OF NEW YORK	U.S. Department of Justice

Zachary B. Kass Senior Counsel 100 Church Street New York, New York 10007 (212) 356-2113	Office of the United States Trustee – NY Office Alexander Hamilton Custom House One Bowling Green, Room 534 New York, New York 10004-1408
LAW OFFICE OF RACHEL S. BLUMENFELD PLLC Counsel to Grace Chan Rachel S. Blumenfeld 26 Court Street, Suite 2220 Brooklyn, New York 11242 (718)858-9600	

**PLEASE TAKE FURTHER NOTICE THAT** any objections to the Plan in connection with the assumption of the Executory Contract(s) and Unexpired Lease(s) identified above and/or related cure or adequate assurances proposed in connection with the Plan that remain unresolved as of the Plan Confirmation Hearing will be heard at the Plan Confirmation Hearing (or such other date as fixed by the Court).

**PLEASE TAKE FURTHER NOTICE THAT** assumption of any Executory Contract or Unexpired Lease pursuant to the Plan or otherwise shall result in the full release and satisfaction of any Claims or defaults, whether monetary or nonmonetary, including defaults of provisions restricting the change in control or ownership interest composition or other bankruptcy-related defaults, arising under any assumed Executory Contract or Unexpired Lease at any time before the Effective Date or the New Tenant assumes such Executory Contract or Unexpired Lease. Any Proofs of Claim Filed with respect to an Executory Contract or Unexpired Lease that has been assumed shall be deemed disallowed and expunged, without further notice to or action, order, or approval of the Bankruptcy Court.

**PLEASE TAKE FURTHER NOTICE THAT** if you would like to obtain a copy of the Disclosure Statement, the Plan, the Plan Supplement, or related documents, you should contact Windels Marx Lane & Mittendorf, the voting and claims agent retained by the Bank in these chapter 11 cases (the “**Voting and Claims Agent**”), by: (i) writing Windels Marx Lane & Mittendorf, LLP Re: East Broadway Mall, 156 West 56<sup>th</sup> Street, New York, NY 10019; or (ii) via electronic mail to [JSullivan@Windelsmarx.com](mailto:JSullivan@Windelsmarx.com). You may also obtain copies of any pleadings filed in these chapter 11 cases for a fee via PACER at: <http://www.nysb.uscourts.gov>.

Dated: [●], 2023  
New York, New York

/s/ DRAFT  
James M. Sullivan ([jsullivan@windelsmarx.com](mailto:jsullivan@windelsmarx.com))  
Robert J. Malatak ([rmalatak@windelsmarx.com](mailto:rmalatak@windelsmarx.com))  
WINDELS MARX LANE & MITTENDORF, LLP

156 West 56th Street  
New York, New York 10019  
Tel: (212) 237-1000  
Fax: (212) 262-1215

*[Remainder of page intentionally left blank]*

**Exhibit A**

<b>Counterparty Name</b>	<b>Description of Contract</b>	<b>Amount Required to Cure Default Thereunder, If Any</b>



**EXHIBIT 10**

**NOTICE OF REJECTION OF EXECUTORY CONTRACTS AND UNEXPIRED  
LEASES**

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X

In re:

Chapter 11

EAST BROADWAY MALL,

Case No. 19-12280 -DSJ

Debtor.

-----X

**NOTICE REGARDING EXECUTORY CONTRACTS AND UNEXPIRED LEASES TO  
BE REJECTED PURSUANT TO THE PLAN**

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**PLEASE TAKE NOTICE THAT** on July 6, 2023, the United States Bankruptcy Court for the Southern District of New York (the “**Court**”) entered an order (the “**Disclosure Statement Order**”), (a) authorizing Bank of Hope f/k/a BBCN Bank (“**Bank of Hope**” or “**Bank**”), secured creditor for the chapter 11 estate (the “**Estate**”) of the above-captioned debtor, East Broadway Mall (“**Debtor**” or “**EBM**”) to solicit acceptances for the *Chapter 11 Plan of Liquidation* (as may be modified, amended, or supplemented from time to time, the “**Plan**”);<sup>1</sup> (b) approving the *Disclosure Statement for the Chapter 11 Plan of Liquidation* (the “**Disclosure Statement**”) as containing “adequate information” pursuant to section 1125 of the Bankruptcy Code; (c) approving the solicitation materials and documents to be included in the solicitation packages (the “**Solicitation Packages**”); and (d) approving procedures for soliciting, receiving, and tabulating votes on the Plan and for filing objections to the Plan.

**PLEASE TAKE FURTHER NOTICE THAT** pursuant to Article V. of the Plan each of the Debtor’s Executory Contracts and Unexpired Leases not previously assumed or rejected will be deemed rejected as of the Effective Date, other than: (1) those that are identified on the Schedule of Assumed Executory Contracts and Unexpired Leases; (2) those that have been previously assumed by a Final Order; (3) those that are the subject of a motion to assume that is pending on the Confirmation Date; (4) those that are a contract, release, or other agreement or document entered into in connection with the Plan; or (5) those that are an insurance policy. The Schedule of Assumed Executory Contracts and Unexpired Leases is subject to ongoing review and revision.

<p><b>PLEASE TAKE FURTHER NOTICE THAT</b> you are receiving this Notice because the Debtor’s records reflect that you are a party to an Executory Contract or Unexpired Lease that will be rejected pursuant to the Plan. Therefore, you are advised to review carefully the information contained in this Notice and the related provisions of the Plan.</p>
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**PLEASE TAKE FURTHER NOTICE THAT** the hearing at which the Court will consider Confirmation of the Plan (the “**Plan Confirmation Hearing**”) will commence on

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<sup>1</sup> Capitalized terms not otherwise defined herein shall have the same meanings set forth in the Disclosure Statement.

**September 12, 2023 at 10:00 a.m.** prevailing Eastern Time, before the Honorable David S. Jones, in the United States Bankruptcy Court for the Southern District of New York, located at One Bowling Green New York, NY 10004.

**PLEASE TAKE FURTHER NOTICE THAT** all proofs of Claim with respect to Claims arising from the rejection of Executory Contracts or Unexpired Leases, if any, must be filed with the Bankruptcy Court within 30 days after the date of service of the order of the Bankruptcy Court (including the Confirmation Order) approving such rejection. Any Claims arising from the rejection of an Executory Contract or Unexpired Lease not filed within such time will be automatically disallowed, forever barred from assertion, and shall not be enforceable against the Estate or the New Tenant, or their property without the need for any objection by the New Tenant or further notice to, or action, order, or approval of the Bankruptcy Court.

**PLEASE TAKE FURTHER NOTICE THAT** the deadline for filing objections to the Plan is **August 18, 2023, at 4:00 p.m.** prevailing Eastern Time (the “**Plan Objection Deadline**”). Any objection to the Plan **must**: (a) be in writing; (b) conform to the Bankruptcy Rules, the Local Rules, and any orders of the Court; (c) state, with particularity, the basis and nature of any objection to the Plan and, if practicable, a proposed modification to the Plan that would resolve such objection; and (d) be filed with the Court (contemporaneously with a proof of service) and served upon the following parties so as to be **actually received** on or before **August 18, 2023, at 4:00 p.m.** prevailing Eastern Time:

WINDELS MARX LANE & MITTENDORF LLP Counsel to the Bank of Hope James M. Sullivan 156 West 56th Street New York, New York 10019 (212) 237-1170	SFERRAZZA & KEENAN PLLC Counsel to the Debtor and Debtor In Possession Sarah M. Keenan 532 Broadhollow Road, Suite 111 Melville, New York 11747 (631) 753-4400 ext. 23
CORPORATION COUNSEL OF THE CITY OF NEW YORK Zachary B. Kass Senior Counsel 100 Church Street New York, New York 10007 (212) 356-2113	U.S. Department of Justice Office of the United States Trustee – NY Office Alexander Hamilton Custom House One Bowling Green, Room 534 New York, New York 10004-1408
LAW OFFICE OF RACHEL S. BLUMENFELD PLLC Counsel to Grace Chan Rachel S. Blumenfeld 26 Court Street, Suite 2220	

Brooklyn, New York 11242 (718)858-9600	
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**PLEASE TAKE FURTHER NOTICE THAT** any objections to Plan in connection with the rejection of the Executory Contract(s) and Unexpired Lease(s) identified above and/or related rejection damages proposed in connection with the Plan that remain unresolved as of the Plan Confirmation Hearing will be heard at the Confirmation Hearing (or such other date as fixed by the Court).

**PLEASE TAKE FURTHER NOTICE THAT** if you would like to obtain a copy of the Disclosure Statement, the Plan, the Plan Supplement, or related documents, you should contact Windels Marx Lane & Mittendorf, LLP, the voting and claims agent retained by the Bank in the Chapter 11 Case (the “**Voting and Claims Agent**”), by: (i) writing Windels Marx Lane & Mittendorf, LLP Re: East Broadway Mall, 156 West 56<sup>th</sup> Street, New York, NY 10019; or (ii) via electronic mail to [JSullivan@Windelsmarx.com](mailto:JSullivan@Windelsmarx.com). You may also obtain copies of any pleadings filed in the Chapter 11 Case for a fee via PACER at: <http://www.nysb.uscourts.gov>.

Dated: [●], 2023  
New York, New York

*/s/ DRAFT*

---

James M. Sullivan ([jsullivan@windelsmarx.com](mailto:jsullivan@windelsmarx.com))  
Robert J. Malatak ([rmalatak@windelsmarx.com](mailto:rmalatak@windelsmarx.com))  
WINDELS MARX LANE & MITTENDORF, LLP  
156 West 56th Street  
New York, New York 10019  
Tel: (212) 237-1000  
Fax: (212) 262-1215